

# VILLAGE OF ANGEL FIRE NEW MEXICO

## OHV USE INFORMATION



The Village of Angel Fire is excited to provide the opportunity for you and your family to enjoy the freedom of using Off-Highway Vehicles (OHVs) inside the village limits. However, this must be seen as a partnership between you and the Village. Understandably there are restrictions on where, how and when you can take advantage of this opportunity. Please know and understand the following restrictions and guidelines so that you may enjoy hours of OHV fun. Note that some of the village's rules are more restrictive than what will be allowed when you are in the national forest. Understand that because of the many safety, aesthetic and practical issues associated with the village affording you this opportunity there will be strict enforcement of the rules. Thank you in advance for your consideration of others and for your willingness to work with us in this endeavor.

OHV travel must occur on Village Roadways only. There are no “open” areas for OHV recreation within the Village of Angel Fire other than the public roadways. Motorized vehicles are restricted to public roadways to prevent resource damage, wildlife disturbance, and conflicts between motorized and non-motorized visitors. There is no OHV travel allowed on the two highways (U.S. Highway 64 and NM State Highway 434) that run through the Village of Angel Fire.

Included in the OHV information packet is Village of Angel Ordinance 2017-07 authorizing the use of OHV's on Village roadways, along with the laws under the New Mexico Uniform Traffic Ordinance pertaining to the same (12-7-9).

## 12-7-9 OFF-HIGHWAY MOTOR VEHICLES - DEFINITIONS

As used in this section:

- A. "board" means the off-highway motor vehicle advisory board;
- B. "department" means the Department of Game and Fish;
- C. "division" means the motor vehicle division of the Taxation and Revenue Department;
- D. "fund" means the trail safety fund;
- E. "off-highway motor vehicle" means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:
  - (l) "all-terrain vehicle," which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;

"off-highway motorcycle," which means a motor vehicle traveling on not more than two tires and having a seat designed to be straddled by the operator and that has handlebar-type steering control; or

- (2) "snowmobile," which means a motor vehicle designed to travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low-pressure tires;
- (3) "recreational off-highway vehicle," which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons and having:
  - (a) a steering wheel for steering control;
  - (b) non-straddle seating;
  - (c) maximum speed capability greater than 35 miles per hour;
  - (d) gross vehicle weight rating no greater than 1,750 pounds;
  - (e) less than 80 inches in overall width, exclusive of accessories;
  - (f) engine displacement of less than 1,000 cubic centimeters; and
  - (g) identification by means of a 17-character vehicle identification number; or
- (4) by rule of the department, any other vehicles that may enter the market that fit the general profile of vehicles operated off highway for recreational purposes;
- F. "staging area" means a parking lot, trailhead or other location to or from which an off-highway motor vehicle is transported so that it may be placed into operation or removed from operation; and
- G. "unpaved public roadway" means a dirt graveled street or road that is constructed, signed and maintained for regular passenger-car use by the general public.

12-7-9.1 OFF-HIGHWAY MOTOR VEHICLES—REGISTRATION: PLATE REQUIREMENT

- A. Unless exempted from the provisions of this section, a person shall not operate an off-highway motor vehicle unless the off-highway motor vehicle has been registered in accordance with Chapter 66, Article 3 NMSA 1978. The owner shall affix the validating sticker as provided in Chapter 66, Article 3 NMSA 1978. (66-3-1003 NMSA 1978)

12-7-9.2 OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON

STREETS OR HIGHWAYS PROHIBITED AREAS.

- A. No person shall operate an off-highway motor vehicle on any limited access street at any time or any paved street or highway except as provided in Subsection B, C or D of this section.
- B. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the street. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then crossing in the most direct manner, as close to a perpendicular angle as possible.
- C. If authorized by ordinance or resolution of a local authority or the State Transportation Commission, a recreational off-highway vehicle or an all-terrain vehicle may be operated on a paved street or highway owned and controlled by the authorizing authority if:
- (1) the vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act;
  - (2) the vehicle has brakes, mirrors and mufflers;
  - (3) the operator has a valid driver's license, instruction permit or provisional license and an off-highway motor vehicle safety permit;
  - (4) the operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act; and
  - (5) the operator of the vehicle is wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act.
- D. By ordinance or resolution, a local authority or the State

Transportation Commission may establish separate Speed limits and operating restrictions for off-highway vehicles where they are authorized to operate on paved streets or highways pursuant to Subsection C of this section.

- E. A person shall not operate an off-highway motor vehicle on state game commission-owned, -controlled or —administered land except as specifically allowed pursuant to Chapter 17, Article 6 NMSA 1978.
- F. A person shall not operate an off-highway motor vehicle on land owned, controlled or administered by the state parks division of the Energy, Minerals and Natural Resources

Department, pursuant to Chapter 16, Article 2 NMSA 1978, except in areas designated by and permitted by rules adopted by the secretary Of Energy, Minerals and Natural Resources.

- G. Unless authorized, a person shall not:
- (1) remove, deface or destroy any official sign installed by a state, federal, local or private land management agency; or
  - (2) install any off-highway motor vehicle-related sign. (66-3-1011

NMSA)

#### 12-7-9.3 DRIVING OF OFF-HIGHWAY MOTOR VEHICLES ADJACENT TO STREETS.

- A. Off-highway motor vehicles issued a validating sticker or nonresident permit may be driven adjacent to a street, yielding to all vehicles entering or exiting the street, in a manner so as not to interfere with traffic upon the street, only for the purpose of gaining access to, or returning from areas designed for the operation of off-highway motor vehicles, by the shortest route possible and when no other route is available or when the area adjacent to a street is being used as a staging area. Such use must occur between the street and fencing that separates the street from private or public lands.
- B. When snow conditions permit, an off-highway motor vehicle may be operated on the right-hand side of a street, parallel, but not closer than ten feet, to the inside of the plow bank. (66-3-1012 NMSA 1978)

#### 12-7-9.4 OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON PRIVATE LANDS.

It is unlawful to operate an off-highway motor vehicle on private lands except with the express permission of the owner of the lands. (66-3-1013 NMSA 1978)

#### 12-7-9.5.1.1 ACCIDENTS AND ACCIDENT REPORTS.

The off highway motor vehicle involved in an accident resulting in injuries to, or the death of, any person, or resulting in damage to public or private property to the extent of five hundred dollars (\$500) or more, shall immediately notify a law enforcement agency of the accident and the facts relating to the accident. If the driver is under the age of eighteen, the driver's parent or legal guardian shall immediately notify a law enforcement agency of the accident and the facts relating to the accident. (66-3-1014 NMSA)

#### 12-7-9.6 ENFORCEMENT OF OFF-HIGHWAY MOTOR VEHICLE

REGULATIONS. A wildlife conservation officer, state police officer or peace officer of this State or any of its political subdivisions, upon displaying his badge of office, has the authority to enforce the provisions of Sections 12-7-9.1 through 12-7-9.5 of this ordinance and may require the operator of any off-highway motor vehicle to produce the certificate of registration or nonresident permit, proof of successful completion of an off-highway motor vehicle training course conducted by an off-highway safety training organization approved and certified by the department , when required by Section 12-79.8, and the personal identification of the operator, and may issue citations for violations of the provisions of Sections 12-7-9.1 through 12-7-9.9 of this ordinance. (66-3-1015 NMSA 1978)

#### 12-7-9.7 EXEMPTIONS

The provisions of this Section shall not apply to persons who operate off-highway motor vehicles on privately held lands or to off-highway motor vehicles that are:

- A. owned and operated by an agency or department of the United States, this state or a political subdivision of this state;
- B. operated exclusively on lands privately held; provided that the appropriate tax or fee has been paid in lieu of the motor vehicle registration fees;
- C. owned by nonresidents and used in this state only for organized and endorsed competition purposes; provided that the use is not on a rental basis;
- D. brought into this state by manufacturers or distributors for wholesale purposes and not used for demonstrations;
- E. in the possession of dealers as stock-in-trade and not used for demonstration purposes;
- F. farm tractors, as defined in Section 66-1-4.6 NMSA 1978, special mobile equipment, as defined in Section 66-1-4.16 NMSA 1978, or off-highway motor vehicles being used for agricultural operations; or
- G. used exclusively on private closed courses, whether owned by the rider or another person; provided that, if applicable, the excise tax and registration fees have been paid and are current. (66-3-1005 NMSA 1978)

#### 12-7-9.8 OFF-HIGHWAY MOTOR VEHICLE SAFETY PERMIT•

##### REQUIREMENTS. ISSUANCE.

A person under the age of eighteen shall be required to successfully complete an off-highway motor vehicle safety training course for which the person shall have parental permission. The course shall be conducted by an off-highway motor vehicle safety training organization that is approved and certified by the department. Upon successful completion of the course, the person shall receive an off-highway motor vehicle safety permit issued by the organization. (66-3-1010.2 NMSA 1978)

#### 12-7-9.9 OPERATION AND EQUIPMENT - SAFETY REQUIREMENTS

- A. A person shall not operate an off-highway motor vehicle:
  - (1) in a careless, reckless or negligent manner so as to endanger the person or property of another;
  - (2) while under the influence of intoxicating liquor or drugs as provided by Section 66-8-102 NMSA 1978;
  - (3) while in pursuit of and with intent to hunt or take a species of animal or bird protected by law unless otherwise authorized by the state game commission;
  - (4) in pursuit of or harassment of livestock in any manner that negatively affects the livestock's condition;

- (5) on or within an earthen tank or other structure meant to water livestock or wildlife;
- (6) in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices;
- (7) in excess of ten miles per hour within two hundred feet of a business, animal shelter, horseback rider, bicyclist, pedestrian, unless the person operates the vehicle on a closed course or track;
- (8) unless in possession of the person's registration certificate or nonresident permit;
- (9) unless the vehicle is equipped with a spark arrester approved by the United States forest service; provided that a snowmobile is exempt from this provision;
- (10) when conditions such as darkness limit visibility to five hundred feet or less, unless the vehicle is equipped with:
  - (a) one or more headlights of sufficient candlepower to light objects at a distance of one hundred fifty feet; and
  - (b) at least one taillight of sufficient intensity to exhibit a red or amber light at a distance of two hundred feet under normal atmospheric conditions; or
- (11) that produces noise that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287; or
- (12) where off-highway motor vehicle traffic is prohibited under local, state or federal rules or regulations.

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

- (1) or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that is securely fastened in a normal manner as headgear and that meets the standards established by the department ;
- (2) without an off-highway motor vehicle safety permit; or
- (3) while carrying a passenger.

C. An off-highway motor vehicle may not be sold or offered for sale if the vehicle produces noise that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J1287. This subsection shall not apply to an off-highway motor vehicle that is sold or offered for sale only for organized competition. (66-3-1010.3 NMSA 1978)

**ORDINANCE NO: 2017-07**

**ORDINANCE AUTHORIZING THE OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLES AND ALL-TERRAIN VEHICLES ON PAVED STREETS OWNED AND CONTROLLED BY THE VILLAGE OF ANGEL FIRE AS SET FORTH IN THIS ORDINANCE.**

**WHEREAS**, the New Mexico Legislature amended Section 66-3-1011 NMSA 1978 to allow the operation of recreational off-highway and all-terrain vehicles on a paved street owned and controlled by the authorizing entity, subject to certain conditions;

**WHEREAS**, the Governing Body of the Village of Angel Fire has adopted by reference the 2016 Compilation of the New Mexico Uniform Traffic Ordinance, which rewrote section 12-7-9.2 to allow the operation of recreational off-highway and all-terrain vehicles on a paved street owned and controlled by the authorizing authority, subject to certain conditions;

**WHEREAS**, the governing Body of the Village of Angel Fire now deems it desirable to allow the operation of recreational off-highway and all-terrain vehicles on paved streets owned and controlled by the Village of Angel Fire, subject to certain conditions;

**NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF ANGEL FIRE, NEW MEXICO:**

**SECTION 1. PURPOSE.** The purpose of this Ordinance is to allow the operation of recreational off-highway and all-terrain vehicles on a paved street or highway owned and controlled by the Village of Angel Fire, as authorized in this ordinance.

**SECTION 2. DEFINITIONS.** As used in this Ordinance:

- A. "All-Terrain Vehicle" is a type of off-highway motor vehicle. An all-terrain vehicle means a vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control, or as otherwise defined in Section 66-3-1001.1(E)(1) of the Off-Highway Motor Vehicle Act.
- B. "Recreational Off-Highway Vehicle" is a type of off-highway motor vehicle. A recreational off-highway vehicle means:
  - (1) A recreational off-highway vehicle is a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:
    - (a) a steering wheel for steering control;
    - (b) non-straddle seating;
    - (c) maximum speed capability greater than thirty-five miles per hour;
    - (d) gross vehicle weight rating no greater than one thousand seven hundred fifty pounds;
    - (e) less than eighty inches in overall width, exclusive of accessories;
    - (f) engine displacement of less than one thousand cubic centimeters; and
    - (g) identification by means of a seventeen-character vehicle identification number; or
  - (2) By rule of the Department of Game and Fish, any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes.

**SECTION 3. OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLE OR ALL-TERRAIN VEHICLE ON PAVED STREETS OWNED AND CONTROLLED BY THE VILLAGE OF ANGEL FIRE.**

- A. A person shall not operate an off-highway motor vehicle on any
  - (1) limited access highway or freeway at any time; or
  - (2) paved street except as provided in Subsections B, C, D, E, and F below.
- B. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the street. Off-highway motor vehicle shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then crossing in the most direct manner, as close to a perpendicular angle as possible.
- C. A recreational off-highway vehicle or all-terrain vehicle may be operated on a paved street owned and controlled by the Village of Angel Fire, if:
  - (1) the vehicle has one or more headlights and one or more tail-lights that comply with the Off-Highway Motor Vehicle Act, Chapter 66, Article 3, NMSA 1978;
  - (2) the vehicle has brakes, mirror, and mufflers;
  - (3) the operator has a valid driver's license, or permits as required under the Motor Vehicle Code and off-highway safety permits as required under the Off-Highway Motor Vehicle Act;
  - (4) the operator is insured under the provisions of the Mandatory Financial Responsibility Act (NM 66-5-2-5) and the operator must be able to show proof of the insurance or have proof of financial responsibility. The proof of insurance or proof of financial responsibility must have the vehicle identification number of the vehicle being operated clearly shown on said proof. A home owner's policy will not suffice under this ordinance; and
  - (5) all ROVs and ATVs must be registered under NM 66-3-1003. Registration can be obtained at the MVD office at Village Hall if you are a resident of NM;
  - (6) the operator of the vehicle is using eye protection that comply with the Off-Highway Motor Vehicle Act; and
  - (7) a person under the age of eighteen shall not operate an Off-Highway motor vehicle or ride upon an Off Highway motor vehicle without wearing eye protection and a safety helmet that is securely fastened in a normal manner as headgear and that meets the standards established by the department and comply with the Off-Highway Motor Vehicle Act; Chapter 66, Article 3, NMSA 1978.
- D. A person shall not operate an off-highway motor vehicle on state game commission-owned, state game commission-controlled or state game commission-administered land, except as specifically allowed pursuant to the Habitat Protection Act, Chapter 17, Article 1, NMSA 1978.
- E. A person shall not operate an off-highway motor vehicle on land owned, controlled, or administered by the state parks division of the energy, minerals and natural resources department, pursuant to Chapter 16, Article 2 NMSA 1978, except in areas designated by and permitted by rules adopted by the secretary of energy, minerals, and natural resources.
- F. Unless authorized, a person shall not:
  - (1) Remove, deface or destroy any official sign installed by a stated, federal, local or private land management agency; or
  - (2) Install any off-highway motor vehicle-related sign.

**SECTION 4: SPEED LIMIT.**

- A. The speed limit for recreational Off-Highway motor vehicles operating within the Village shall be the posted speed limit.

**SECTION 5: PASSENGERS.**

- A. A person operating a recreational off-highway vehicle shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person nor shall any other person ride on a recreational off-highway vehicle unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if designed for two persons, or upon another seat firmly attached to the recreational off-highway vehicle at the rear of the operator.

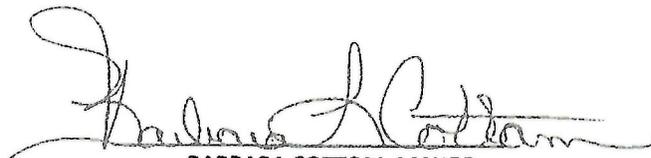
**SECTION 6: OBEDIENCE TO TRAFFIC LAWS REQUIRED.** Any person operating an off-highway motor vehicle shall obey all traffic laws, rules and regulations and shall be subject to the provisions of Articles 1 through 8 of Chapter 66 NMSA 1978 [except 66-7-102.1 NMSA 1978].

**SECTION 7: SEVERABILITY.** In the event that any clause, sentence, paragraph, section, or other portion of this Ordinance is found by any Court of competent jurisdiction to be invalid, it is the intent of the Governing Body that the remaining portions of the Ordinance be given full force and effect. It is the expressed intent of the Village Council to adopt each section, phrase, paragraph and word of this Ordinance separately.

**SECTION 8. REPEAL.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent they conflict with this Ordinance.

Effective Date. This Ordinance shall become effective on the 15<sup>th</sup> day of October, 2017.

PASSED, APPROVED AND ADOPTED this 10<sup>th</sup> day of October, 2017.



BARBARA COTTOM, MAYOR  
VILLAGE OF ANGEL FIRE

ATTEST:



VILLAGE CLERK