

VILLAGE OF ANGEL FIRE
Angel Fire NM 87710
(575) 377-3232
PUBLIC NOTICE
Council Work Session
Tuesday October 25th, 2011 at 2:00 PM at Village Hall

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Approval of Agenda**
 - Council Work Session:**
 - 1. Refuse Rates – Larry Leahy**
 - 2. Financial Update – Lupita de Herrera**
 - 3. Discussion about ATV Ordinance – John Perkins**
 - 4. Discussion about the length of time the meeting tapes are kept before being erased**

V. Adjournment

Terry Cordova, Village Clerk

Stuart Hamilton, Mayor

Post: 10/20/2011

THE PUBLIC IS INVITED TO ATTEND

Subject to Change Until: October 24th, 2011 at 2:00PM

AGENDA MAY BE PICKED UP AT THE VILLAGE HALL
3388 MOUNTAIN VIEW BLVD., ANGEL FIRE, NM 87710
AGENDA MAY ALSO BE VIEWED AT OUR WEBSITE: AFGOV.COM

RESOLUTION NO.

A RESOLUTION ESTABLISHING SOLID WASTE DISPOSAL RATES

WHEREAS the existing solid waste disposal rates are not equitable; and

WHEREAS some of the existing rate schedules were established administratively; and

WHEREAS the Solid Waste Department has been monitoring solid waste volumes generated by local businesses in order to determine frequencies of solid waste pick-ups; and

WHEREAS there is ongoing disposal of illegal materials being dumped into commercial canisters in order to avoid tipping fees at the Regional Collection Center; and

WHEREAS the Angel Fire Village Council wishes to establish an equitable rate schedule that better reflects the volume of solid waste disposed of by residential and commercial uses.

NOW THEREFORE BE IT RESOLVED that the Angel Fire Village Council hereby establishes the following monthly solid waste disposal rates for residential and commercial users.

A. Residential

- 1. Single Family Dwelling Unit.....\$18.00
- 2. Multi Family Dwelling Unit (two or more).....\$15.00
- 3. Home Occupancy Businesses.....\$ 5.00

B. Commercial

- 1. Light Volume users generating light volume – Office....\$18.00
- 2. Medium Volume users generating medium volume of solid waste on a regular basis – General Retail,
 - a. Single Business Building.....\$30.00
 - b. Multiple Business Building.....Based on Volume assigned, billed to building owner/manager.
- 3. Heavy Volume users generating large volume of solid waste on a regular basis
 - a. Bars, Lodging, Fabrication, Restaurants, Groceries...\$150.00 per dumpster
 - b. Lumber Yard.....\$330.00 per dumpster

PASSED, APPROVED AND ADOPTED this 8th Day of November, 2011

Mayor Stuart Hamilton

Attest: _____
Terry Cordova, Village Clerk

Angel Fire Off-Highway Vehicle Equipment and Operator Laws

All Motorized users are responsible for knowing where, when, and how they are allowed to travel on Village roadways. Travel management violations are strictly enforced.

All OHVs (motorcycles, ATVs) operated on Village roadways are required to display a State and Village decal.

All OHV operators under 18 are required to wear a DOT approved helmet and eye protection.

OHV seating capacity – is assumed to be for the operator *only* unless the unit is specifically designed to carry a passenger.

The operator must accept all legal responsibility for injury or damage of any kind resulting from the inherent risks of off-highway use.

OHVs must be street legal in order to travel on any Village roadway. A Village road means any road in the Village of Angel Fire which is maintained by the Village.

In order to be street legal, an OHV must have a license plate, and the operator must have a state driver's license (16 years of age) with a motorcycle endorsement. In addition, the OHV must be equipped with a headlight with high and low beam, tail light and reflector, brake light, at least one operable brake (hand or foot), horn, rear-view mirror, muffler with no modifications, and spark arrestor.

Village Code Annotated

CHAPTER 1 Motor Vehicles

2011-1ORV Definitions: “Quadricycle” means a four-wheeled motor vehicle, designed for on-road or off-road use, having a seat or saddle upon which the operator sits, and a motor capable of producing not more than 50 horsepower.

2011-2ORV Definitions: Headlamps on motor vehicles;

1) A motor vehicle other than a motorcycle, quadricycle, or motor-driven cycle must be equipped with at least two headlamps, with at least one on each side of the front of the motor vehicle, that comply with the requirements and limitations set forth in this chapter.

2) A motorcycle, quadricycle, or motor-driven cycle must be equipped with at least one and not more than two headlamps that comply with the requirements and limitations of this chapter. If a motorcycle is registered as a collector's item, it need not be equipped with headlamps. However, if it is not equipped with headlamps, it may not be operated upon a Village roadway one-half hour after sunset to one-half hour before sunrise or the persons and vehicles are not clearly discernible at a distance of 500 feet. A motorcycle may be equipped with a means of modulating the high beam of its headlamps between high and low beam at a rate of 200 to 280 flashes per minute. However, an operator may not modulate the headlamps at that rate during periods when headlamps are required to be lighted by state law.

2011-3ORV Headgear required for minor motorcycle riders

1) An operator and passenger under 18 years of age of a motorcycle or quadricycle upon a Village street shall wear protective headgear. The headgear must meet standards established by the department of transportation (DOT).

2) A person may not operate a motorcycle or quadricycle on Village roadways unless all passengers under 18 years of age are in compliance with subsection (1).

CHAPTER 2

2011-4ORV Definition

1) As used in this part, "off-road vehicle" means a self-propelled vehicle used for recreation or cross-country travel on Village roads, green belts Village lands. The term includes, but is not limited to, motorcycles, quadricycles, dune buggies, amphibious vehicle, air cushion vehicles, and any other means of land transportation deriving motor power from any source other than muscle or wind.

2) Off-highway vehicle does not include:

- (a) vehicles designed primarily for travel on, over, or in the water
- (b) snowmobiles

2011-5ORV. Exemptions

The provisions of this part do not apply to:

1) An off-road vehicle:

- (a) owned or used by the United States or another state or an agency or political subdivision thereof
- (b) registered in a country other than the United States, temporarily use within this state for not more than 30 days

(c) registered in another state of the United States, temporarily used within this state for not more than 30 days

2) A licensed motorcycle or licensed quadricycle used for fishing and hiking access, camping, or picnicking on a visible two-track trail or road within 1 mile of a designated road.

2011-6ORV Decal required

1) Off-road vehicles may not be operated by a person for off-road recreation on Village land/property unless there is displayed in a conspicuous place a decal, in a form prescribed by the Village Government and issued by the Village, as visual proof that the following fees have been paid.

(a) The vehicle is registered with the State of New Mexico or any of the other states of the United States, as evidenced by presentation of an owner's certificate of registration, and a payment receipt.

(b) The vehicle is insured, certificate of insurance and payment receipt.

(c) The decal must be numerically numbered.

2011-7ORV Enforcement

1) The Angel Fire Police, Colfax County Sheriff Office and/or State Police enforcement personnel, of each municipal shall enforce the provisions of this part.

2) Authorized officers of these departments have peace officer status with power:

(a) of search, seizure and arrest

(b) to investigate activities in this State and Village.

(c) to report and cite violations of State, County or Village laws or ordinance.

2011-8ORV Nonresident temporary-use permits

1) An off-road vehicle that is owned by a nonresident and that is not registered in another state of the United States or another country may not be operated by a person in the Village unless a nonresident temporary-use permit is obtained.

2) The requirements pertaining to non-resident temporary-use permit for an off-road vehicle are as follows:

(a) Application for the issuance of the permit must be made at the Village and upon forms prescribed by the State of New Mexico. The forms must include but are not limited to:

(1) the applicant's name and permanent address

(2) the make, model, year, and serial number of the off-road vehicle

(3) an affidavit declaring the non-residency of the applicant

(b) Upon submission of the application and a fee of \$ _____, a nonresident off-road vehicle temporary-use sticker must be issued. The sticker must be displayed in a conspicuous manner on the off-road vehicle. The sticker is the temporary-use permit.

- (1) the temporary-use permit is valid for the calendar year designated on the permit
- (2) the permit is not proof of ownership, and a certificate of title may not be issued
- (3) all money collected by payment of fees under this section must be transmitted to the Village general fund
- (4) failure to display the permit as required by this section or making false statements in obtaining the permit is a misdemeanor and is punishable by a fine of not less than \$ _____ or more than \$ _____. All fines collected under this section must be transmitted to the Village general fund.

2011-9ORV Off-road crossing of public roads—use of certain forest development roads

1) Except as provided in the State Statute, an off-road vehicle may make a direct crossing of a state road when the crossing is necessary to get to another authorized area of operation. The crossing must be at an angle of approximately 90 degrees to the direction of traffic at a place where no obstruction prevents a quick and safe crossing. The off-road vehicle must make a complete stop before entering upon any part of the traffic way, and the operator shall yield the right-of-way to all oncoming traffic.

2) An off-road vehicle may not be operated on or across a highway that is part of the federal-aid interstate system.

2011-10ORV Off-road vehicle operator responsibilities

1) An off-road vehicle operator shall accept all legal responsibility for injury or damage of any kind to the extent that the injury or damage results from risks inherent in the sport of off-highway vehicle use and shall regulate personal conduct at all times so that injury to self or other person or property that results from the risks inherent in the sport of off-highway vehicle operation is avoided.

2) Risks inherent in the sport of off-highway operation include variations in terrain, surface or subsurface conditions, crevices, ravines, stream, poor visibility, rocks, trees, other forms of forest growth or debris, and any other natural hazard.

3) An off-road vehicle operator is responsible for:

(a) Knowing the range of the operator's ability to navigate any slope or trail, or for road vehicle use within limits of the operator's ability, taking into consideration the conditions.

(b) Maintaining control of speed and course at all times while operating the off-road vehicle.

(c) Heeding all posted warnings, and

(d) Refraining from acting in a manner that may cause or contribute to the injury of anyone.

4) The provisions of this section do not affect a products liability cause of action based upon the design or manufacture of off-road equipment or products or safety equipment used incidental to the operation of an off-road vehicle.