

ORDINANCE NO. 1319

AN ORDINANCE AMENDING CHAPTER 50, TRAFFIC AND VEHICLES, SECTION 50-53, AMENDMENTS TO THE UNIFORM TRAFFIC ORDINANCE, SPECIFICALLY SECTION 12-7-9, RECREATIONAL OFF-ROAD VEHICLES (ROV'S) DEFINITIONS, OF THE NEW MEXICO UNIFORM TRAFFIC CODE ADOPTED AS THE SILVER CITY TRAFFIC ORDINANCE IN SECTION 50-1 OF CHAPTER 50, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO.

Sponsored by Councilor José A Ray, Jr.

WHEREAS, the New Mexico State Legislature amended Section 66-3-1011, NMSA 1978 authorizing a local authority to permit by ordinance the operation of recreational off-highway (ROV'S) on paved streets and highways owned and controlled by the local authority; and

WHEREAS, the Town of Silver City is a local authority within the purview of the aforementioned amendment and passed Ordinance 1281 on July 9, 2019 allowing for the operation and regulation of ROV'S within Town limits; and

WHEREAS, state law does not require that an ROV have 4 or more U.S. D.O.T highway rated tires as specified in the current Town Ordinance, and the Town Council finds it is appropriate to amend the Town Ordinance to reflect and conform to state law, and that this amendment would be beneficial to the Town and its inhabitants.

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO THAT:

1. Chapter 50, Traffic and Vehicles, Section 50-3, Amendments to Uniform Traffic Ordinance, UTO Section 12-7-9, RECREATIONAL OFF-ROAD VEHICLES (ROV'S) Definitions, *Recreational Off-Highway motor vehicle* ("ROV") is amended by replacing "(1) Four or more U.S. D.O.T. highway rated tires" with "(1) Four or more non-highway tires", to now read as follows:

12-7-9 RECREATIONAL OFF-ROAD VEHICLES (ROV'S) *Definitions:*

Recreational Off-Highway motor vehicle ("ROV"), for the purposes of this ordinance, means a motor vehicle designed by the manufacturer for operation primarily off the highway, streets and roads, which is characterized by the following:

- (1) Four or more non-highway tires;
- (2) A steering wheel for steering control;
- (3) Non-straddle seating;
- (4) Maximum speed capability greater than 35 miles per hour;
- (5) Gross vehicle weight rating no greater than 1,750 pounds;
- (6) Less than 80 inches in overall width, exclusive of accessories;
- (7) Engine displacement of less than 1,000 cubic centimeters;
- (8) Muffler;
- (9) Identification by means of a 17-character vehicle identification number;
- (10) Driver and passenger side rear viewing mirrors;

- (11) Brakes;
- (12) Seat belts for driver and all passengers;
- (13) Signal horn and directional signals;
- (14) At least one headlight of sufficient candlepower to illuminate objects at 150 feet; and
- (15) At least one tail light and one brake light to exhibit red or amber light at a distance of two hundred feet under normal atmospheric conditions.

2. All of the rest and remainder of 12-7-9, RECREATIONAL OFF-ROAD VEHICLES (ROV'S) Definitions, and Section 50-53, Amendments to Uniform Traffic Ordinance, Chapter 50, Traffic and Vehicles, is hereby reaffirmed as written and shall remain in full force and effect, except as amended by this ordinance.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this ____ day of _____, 2023.

TOWN OF SILVER CITY

(Seal)

Ken Ladner, Mayor

Attest:

Alfred Sedillo, Town Clerk