

**VILLAGE OF LOGAN
ORDINANCE NO. 2020-195
ARTICLE XIV**

AN ORDINANCE AMENDING ORDINANCE NO. 2018-191, ARTICLE XIV, SECTION 5, PENALTY AND SECTION 6, EFFECTIVE DATE OF ALLOWING THE USE OF RECREATIONAL OFF-HIGHWAY VEHICLES, UNDER SPECIFIC GUIDELINES AND RESTRICTIONS, ON PAVED STREETS AND ROADWAYS INSIDE THE VILLAGE LIMITS OF LOGAN; PURSUANT TO SECTION 66-3-1011 NMSA 1978 (AMENDED BY SB270-2016) OPERATION ON STREETS OR HIGHWAYS

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF LOGAN, NEW MEXICO:

Section 1. SHORT TITLE

This ordinance shall be known and may be cited as the Recreational Off-Highway Vehicle Ordinance of the Village of Logan.

Section 2. PURPOSE AND DEFINITION

- A. The purpose of this ordinance is to enact where Recreational Off-Highway Vehicles (ROHVs) may or may not be operated inside the Village Limits of Logan and list requirements and restrictions for said operations in a safe and orderly manner.
- B. To enact where "Golf Carts" may or may not be operated inside the Village Limits of Logan and list the requirements and restrictions for said operations in a same and orderly manner.
 - 1. For the purposes of this ordinance a Recreational Off-Highway Vehicle shall be in accordance with 66-3-1001.0 E 4 NMSA 1978, which reads:
Recreational Off-Highway Vehicle 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 thirty-five miles per hour;
 - (d) Gross vehicle weight rating no greater that 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;
 - (g) Identification by means of a seventeen-character vehicle identification number;
 - 2. For the purposes of this ordinance a "golf cart" shall be defined as:
A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of 20 miles per hour.

Section 3. OFFENSES AGAINST SAFE OPERATION OF ROHV_s INSIDE VILLAGE LIMITS

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

Limited Access highway or freeway at any time, including State Road 552, State Road 469, State Road 540, State Road 39, and Us Highway 54.

- 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 roadway. 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 cross in the most direct manner as close to perpendicular angle as possible.

- C. As Authorized by this ordinance ROHVs may be operated on a paved street controlled by the Village of Logan 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, and operates in accordance with any licensing restrictions;
 - 4. The vehicle is insured in compliance with the provisions of the Mandatory Financial Responsibility Act, 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;
 - 5. The operator of the vehicle is wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act;
 - 6. All occupants shall be properly secured by manufacture designed restraints;
 - 7. Drivers follow all laws and ordinance pertaining to the operation of motor vehicle as described under NM Statute 66-7 (Traffic Laws; Signs, signals and marking; accidents; traffic safety);
 - 8. Drivers must obey all established speed limits to include Village of Logan ordinance 6-8-1;
 - 9. Operation of the ROHV is not in a careless, reckless or negligent manner so as to endanger the person or property of another;
 - 10. ROHV will not be operated with anymore person(s) than the designed capacity allows.

- D. As authorized by this ordinance "Golf Carts" may be operated on a paved street controlled by the Village of Logan if:
 - 1. The vehicle has one or more headlights and one or more taillights that comply with the off-highway motor vehicle act if operated between 30 minutes after sundown to 30 minutes before sunrise;
 - 2. The vehicle has brakes, mirrors and mufflers;
 - 3. The operator has a valid driver's license instruction permit or provisional license;
 - 4. The vehicle is insured in compliance with the provisions of the Mandatory Financial Responsibility Act, 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;

5. Drivers follow all laws and ordinance pertaining to the operation of motor vehicle as described under NM Statute 66-7 (Traffic Laws; Signs, signals and marking; accidents; traffic safety);
6. " Golf cart" is not operated in a careless, reckless or negligent manner so as to endanger the person or property of another;
7. "Golf carts" will not be operated with more person(s) than the designed capacity allows.

E. A person shall not operate an off-highway motor vehicle or "golf cart" on state game commission-owned, controlled or administered land except as specifically allowed pursuant to Chapter 17, Article 6 NMSA 1978.

Section 4. ENFORCEMENT

Any peace officer commissioned by any local, county or state agency within the State of New Mexico may enforce this Ordinance. In addition to enforcement powers, a peace officer may also conduct random administrative stops in order to ensure compliance with registration, insurance and safety equipment guidelines and to cite into court any violations found in contradiction to those rules.

Section 5. PENALTY

Any person violating any provision of this ordinance shall be subject to fine; 1st offence \$25.00, 2nd offence \$100.00, 3rd and subsequent \$300.00. Each violation of this ordinance shall constitute a separate offence.

Section 6. EFFECTIVE DATE

The Recreational Off-Highway Vehicle Ordinance of the Village of Logan shall become effective five days after the publication as provided by law.

All Ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

PASSED, APPROVED AND ADOPTED by the governing body of the Village of Logan, New Mexico, this 9th day of June, 2020.

ATTEST:



Rosalie Rachor
Clerk/Treasurer





David Babb
Mayor