



## VILLAGE OF CORRALES

### ORDINANCE NO. 11-001

**AN ORDINANCE RESTRICTING THE OPERATION OF MOTOR VEHICLES ON UNIMPROVED LANDS IN THE VILLAGE OF CORRALES; PROHIBITING THE OPERATION OF MOTOR VEHICLES IN ARROYOS AND WATERCOURSES; PROHIBITING THE OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON VILLAGE RIGHTS OF WAY; PROVIDING EXCEPTIONS FOR PUBLIC SAFETY AND MAINTENANCE VEHICLES; IMPOSING PENALTIES FOR VIOLATIONS; AND AUTHORIZING THE IMPOUNDMENT OF VEHICLES IN THE EVENT OF REPEAT VIOLATION.**

**WHEREAS**, the Village of Corrales (the "Village") includes within its boundaries significant areas of land, both public and private, that are undeveloped and in many cases unfenced and open to public access; and

**WHEREAS**, the Village Council, the governing body of the Village ("Governing Body") finds that the unrestricted operation of motor vehicles, including both off-highway motor vehicles and vehicles designed for highway use, on unimproved lands can be harmful to the environment and frequently causes noise, dust, odors, and other nuisances that are detrimental to the health, safety, security, convenience and repose of the residents of the Village and deprive them of the quiet enjoyment of their residences and properties; and

**WHEREAS**, the Governing Body wishes to provide that the use of motor vehicles on unimproved lands shall be restricted to the extent reasonably necessary to protect the health, safety, security, convenience and repose of Village residents, provide for the quiet enjoyment of their residences and properties, and protect such lands from environmental damage and degradation, without impairing necessary and appropriate access to public and private lands in the Village; and

**WHEREAS**, the Governing Body wishes to ensure that the restrictions on use of motor vehicles are enforced by the imposition of appropriate penalties for violations.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Village of Corrales, New Mexico:

#### **Section 34-61. Definitions.**

Words and phrases used in this Article shall have the meanings set forth in this Section or, if not defined in this Section, shall have the meanings respectively ascribed to them in Section 12-1-1 *et seq.* of the latest compilation of the New Mexico Uniform Traffic Ordinance as adopted by the Village or, if not defined in this Section or therein, shall have the meanings respectively ascribed to them in Section 66-3-1001.1, NMSA 1978.

*Arroyo* means any natural or artificial watercourse that is normally dry but may convey water following precipitation events.

*Off-highway motor vehicle* means a non-agricultural motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

- (i) *All-terrain vehicle*, which means a motor vehicle fifty (50) inches or less in width, having an unladen dry weight of one thousand (1,000) 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;
- (ii) *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;
- (iii) *Snowmobile*, which means a motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low-pressure tires;
- (iv) *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 thirty-five (35) miles per hour;
  - (d) gross vehicle weight rating no greater than one thousand seven hundred fifty (1,750) pounds;
  - (e) less than eighty (80) inches in overall width, exclusive of accessories;
  - (f) engine displacement of less than one thousand (1,000) cubic centimeters; and
  - (g) identification by means of a seventeen-character vehicle identification number; or
- (v) Any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes and are identified by rule of the New Mexico Department of Game and Fish as off-highway motor vehicles.

The term *off-highway motor vehicle*, as used in this Article, does not include tractors or other equipment while being used for agricultural purposes.

*Unimproved land* means any tract or parcel of land which lacks any above-ground structure or facilities designed, intended or operated for residential, commercial or agricultural use. The presence of improved watercourses or of utility corridors or structures on such tract or parcel does not affect the status of such tract or parcel as unimproved land. Unimproved land includes dikes, levees, and roads or paths providing access adjacent to watercourses on publicly owned lands within the Village.

*Watercourse* means any natural or artificial geographic feature that conveys water within a defined channel, whether on a regular or intermittent basis, and includes but is not limited to arroyos, canals, drainage ditches, flood control channels, and retention or detention basins associated with any such water conveyance feature.

**Section 34-62. Limitations and prohibitions on the operation of motor vehicles.**

(a) *General limitation on operation of motor vehicles on unimproved land.* No person shall operate any motor vehicle on any unimproved land within the Village, whether public or private, without the express written approval of the owner of such unimproved land, except within areas clearly designated and set aside for motor vehicle use such as paved, graveled or graded roadways, driveways, alleys, and designated parking areas. Any person operating a motor vehicle on unimproved land with the written approval of the owner thereof shall have such written approval in his or her possession and available for inspection at all times while operating the motor vehicle on such lands.

(b) *Prohibition against operation of motor vehicles in arroyos and watercourses.* No person shall operate any motor vehicle within any arroyo, canal, ditch, or other watercourse or waterway, perennial or intermittent, within the Village, regardless whether any water is flowing in such watercourse or waterway at the time.

(c) *Prohibition against off-highway motor vehicle operation on irrigation ditch banks, levees, and Village rights of way.* No person shall operate an off-highway motor vehicle on any public road or public right of way of the Village, whether or not on the paved, graded or improved portion thereof or on any irrigation ditch banks or levees. The operation of off-highway motor vehicles on designated trails or similar passages on right of way owned by the Village is expressly prohibited.

**Section 34-63. Exceptions.**

The foregoing limitations and prohibitions on the operation of motor vehicles shall be subject to the following exceptions for permitted uses, which shall be strictly construed:

- (a) Operation of a motor vehicle on private property by the owner of such private property;
- (b) Operation of public safety vehicles on any lands, public or private; and
- (c) Operation of maintenance and service vehicles of the Village, Sandoval county, the Southern Sandoval County Arroyo Flood Control Authority, the Middle Rio Grande Conservancy District, the U.S. Army Corps of Engineers, and other authorized public bodies, including the contractors thereof, on the lands of such public bodies.

**Section 34-64. Penalties.**

(a) *General penalty for violation.* Each person violating any provision of this article shall, upon conviction thereof or upon pleading guilty or no contest to a complaint alleging such violation, be punished in accordance with Section 1-6.

(b) *Towing and impoundment of vehicle on repeat violation.* In addition to any penalty imposed under Section 1-6, in the event that any officer or employee of the Village shall

observe any person acting in violation of any provision of this article after such person has been convicted of or has pled guilty or no contest to a complaint alleging violation of this article during the preceding period of one (1) year, the officer or employee shall have authority to cause the vehicle of such person to be towed and stored by an authorized wrecker service, such vehicle to be released to the owner only upon payment of all towing and storage fees duly imposed by the wrecker service provider. In the event that the person operating the motor vehicle does not appear to be the registered owner thereof, the officer or employee shall cause notice to be sent by registered mail or delivered by other reliable means, including personal service, to the registered owner as recorded in the records of the State Motor Vehicle Division.

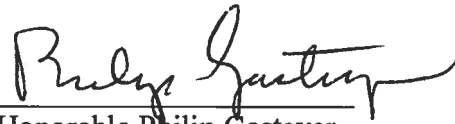
SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as Chapter 34, Article V of the Code of Ordinances of the Village of Corrales.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

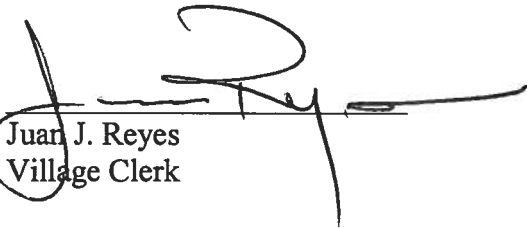
**PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village of Corrales, New Mexico, this 11<sup>th</sup> day of January, 2011.

APPROVED:



The Honorable Philip Gasteyer  
Mayor

ATTEST:



Juan J. Reyes  
Village Clerk