

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, NEW MEXICO

IN THE MATTER OF A RESOLUTION  
PROPOSING ADOPTION AND PASSAGE  
OF AN ORDINANCE RELATING TO MOTOR  
VEHICLE TRAFFIC, BICYCLE PATHS AND  
BICYCLE LANES ON COUNTY ROADS;  
PROVIDING THAT A MOTORIST MUST  
PASS A BICYCLIST WITH AT LEAST A  
FIVE-FOOT DISTANCE.

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RESOLUTION NO. 11-08-11-BICYCLE LANE  
PROPOSING ADOPTION OF AN ORDINANCE RELATING TO MOTOR VEHICLE  
TRAFFIC, BICYCLE PATHS AND BICYCLE LANES AND PROVIDING THAT A  
MOTORIST MUST PASS A BICYCLIST WITH AT LEAST A FIVE FOOT  
DISTANCE.

WHEREAS, the Board of County Commissioners of San Miguel County, New Mexico,  
has heretofore determined that the safety, health and welfare of individuals who utilize  
bicycles as a method of transportation on County roads is a matter of public interest; and

WHEREAS, currently there are no County ordinances that addresses the safety, health  
and welfare of such individuals who utilize bicycles on County roads; and

WHEREAS, such individuals who utilize bicycles on County roads should be provided  
with the opportunity for safe roadways whenever possible; and

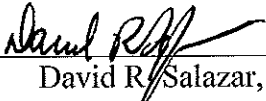
WHEREAS, the Board of County Commissioners hereby determines that it is necessary  
and proper to adopt said proposed Ordinance for the purpose of protecting the safety,  
health and welfare of individuals who utilize bicycles on County roads within San Miguel  
County.

IT IS NOW, THEREFORE, RESOLVED AND DETERMINED, by the Board of County  
Commissioners of San Miguel County, New Mexico, that the proposed Ordinance No.  
SMC-01-10-12-Bicycle Lane attached hereto as Exhibit "A" and made an  
integral part hereof, be submitted for passage and adoption by the Board of County  
Commissioners at its regular monthly meeting to be held on  
JANUARY 10, 2012; and it is further,

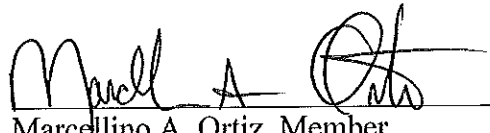
RESOLVED AND DETERMINED, by the Board of County Commissioners that the  
County Manager publish the title and general summary of the subject matter of said


proposed Ordinance No. SMC-01-10-12-Bicycle Lane , in the Las Vegas Optic, at least two weeks before JANUARY 10, 2012 , and provide therein public notice of the time, date and place when such proposed ordinance will come on for final hearing, adoption and passage as required by law.

MOVED, SECONDED AND ADOPTED, this 8th day of November, 2011, by the Board of County Commissioners of San Miguel County, New Mexico.

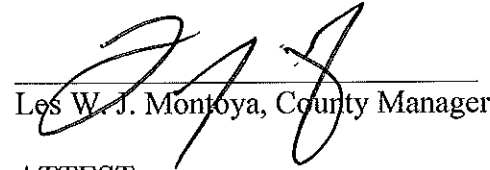
  
David R. Salazar, Chairman

  
Nicolas T. Leger, Vice-Chairman

  
Marcellino A. Ortiz, Member

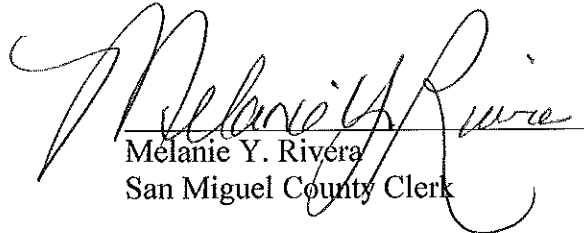
  
Arthur J. Padilla, Member

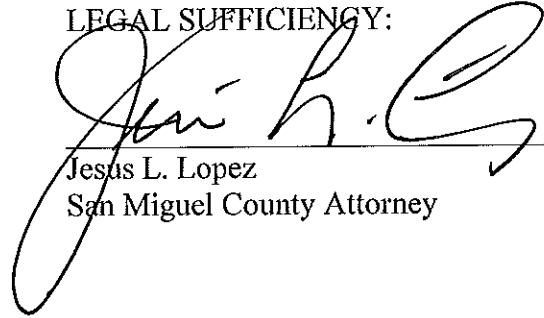
  
Ron R. Ortega, Member

  
Les W. J. Montoya, County Manager

ATTEST:

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
Melanie Y. Rivera  
San Miguel County Clerk

  
Jesus L. Lopez  
San Miguel County Attorney

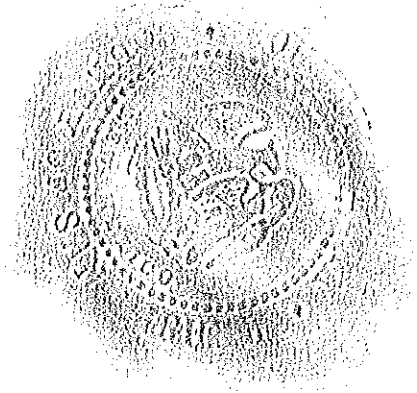


EXHIBIT "A"  
TO RESOLUTION NO. 11-08-11-BICYLCE LANE

SAN MIGUEL COUNTY  
ORDINANCE NO. SMC-01-10-12-Bicycle Lane

AN ORDINANCE RELATING TO MOTOR VEHICLE TRAFFIC, BICYCLE PATHS AND BICYCLE LANES ON COUNTY ROADS; PROVIDING THAT A MOTORIST MUST PASS A BICYCLIST WITH AT LEAST A FIVE-FOOT DISTANCE; SIGNS, MARKINGS AND TRAFFIC CONTROL DEVICES OF SUCH BICYCLE PATHS AND BICYCLE LANES; AND ESTABLISHING PENALTIES FOR VIOLATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, San Miguel County currently does not have ordinance or policy addressing the safety, health and welfare of individuals who utilize bicycles as a mode of transportation on County roads; and

WHEREAS, due to the absence of such ordinance or policy, San Miguel County cannot adequately address the safety, health and welfare of such individuals who utilize bicycles as a mode of transportation on County roads; and

WHEREAS, such ordinance or policy is necessary for the protection, safety, health and welfare of the bicycling public and to promote highway safety and serves to promote the use of bicycles as a method of public transportation.

Section 1. TITLE: This Ordinance shall be known as the "Bicycle Transportation Ordinance" and the full title hereof is as appears hereinabove as the title of the Ordinance.

Section 2. AUTHORITY: This Ordinance is adopted pursuant to and in accordance with the enabling provisions of Sections 3-21-1, et seq., 66-1-1 and 66-7-9, NMSA 1978, as amended, and as otherwise provided by law.

Section 3. PURPOSE: The purpose of this Ordinance is to set forth regulations that govern motor vehicle and bicycle traffic on County roads within San Miguel County for the protection of the safety, health and welfare of the citizens in San Miguel County who utilize bicycles as a method of public transportation.

Section 4. DEFINITIONS: The following definitions shall apply to and control all words and terms used in this Ordinance.

A. "BICYCLE" means a bike, pushbike or cycle and is a human powered, pedal driven, single-track vehicle having two (2) wheels attached to a frame, one wheel behind the other wheel and upon which any person may ride. For purposes of this Ordinance, bicycle can also refer to a tricycle.

B. "COUNTY" means San Miguel County, New Mexico.

C. "COUNTY ROAD" means a public roadway within San Miguel County under the jurisdiction and control of the County that appears on the most recently adopted San Miguel County road log and is listed as an official County road.

D. "DIRECTORY" means a mere direction or instruction of no obligatory force, the disregard of which involves no legal consequence under this Ordinance.

E. "MANDATORY" means that which is absolutely commanded under this Ordinance, the violation or omission of which may result in punitive consequences as prescribed in this Ordinance.

F. "NEW MEXICO MOTOR VEHICLE CODE" means the New Mexico Motor Vehicle laws.

G. "PUBLIC WORKS SUPERVISOR" is the supervisor of the San Miguel County Public Works Division.

H. "RIGHT-OF-WAY" means the privilege of the immediate use of the roadway.

I. "TRAFFIC-CONTROL DEVICE" is a sign, signal, marking or other device used to regulate, warn or guide traffic, placed on, over or adjacent to a county road, street, highway or shared use path by the jurisdiction having authority.

J. "TRICYCLE" is a three-wheeled vehicle, human powered, pedal driven or hand crank driven.

Section 5. EXEMPTIONS: Non-human powered bicycle and tri-cycle type vehicles shall be exempt from the provisions of this Ordinance.

Section 6. AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES:

6.1. The San Miguel County Public Works Supervisor or his designee shall have authority to place and maintain such traffic control devices as necessary to carry out the provisions of this Ordinance.

6.2. The San Miguel County Public Works Supervisor or his designee shall have the

authority to establish bicycle safety zones of the kind and character and at places he deems necessary for the installation of such traffic control devices for the protection of bicyclists and shall utilize engineering and traffic study investigations to determine and establish such safety zones.

6.3. Should a County road have a vehicle traffic lane of eighteen (18) feet or less, an engineering and traffic study investigation shall be used to determine and establish a bicycle safety zone.

6.3. When official traffic-control devices are placed in position such devices are presumed to have been so placed by the official act or direction of County authority.

6.4. The Public Works Supervisor shall determine the cost of the purchase and installation of such traffic control devices as per the County procurement process.

#### Section 7. OBEDIENCE TO REQUIRED TRAFFIC-CONTROL DEVICES:

The driver of any vehicle shall obey the instructions of an official traffic-control device placed in accordance with the provisions of this Ordinance, unless otherwise directed by a traffic control officer, police officer or any other temporary traffic control device.

#### Section 8. MOTOR VEHICLE TRAFFIC APPROACHING OR PASSING A BICYCLIST:

When a person operating a motor vehicle approaches or passes a person on a bicycle, operating a bicycle or pushing a bicycle, the person operating such motor vehicle shall approach at a speed not exceeding the posted speed limit and shall pass such person while maintaining a distance of not less than five (5) feet and allow such person the right-of-way.

#### Section 9. ENFORCEMENT:

9.1. The laws, rules and regulations of the State of New Mexico as concerns enforcement of traffic laws are hereby adopted and incorporated herein by reference and made an integral part of this Ordinance, including but not limited to the New Mexico Motor Vehicle Code, Chapter 66, Motor Vehicles.

9.2. Enforcement of the regulations of this Ordinance shall rest with the appropriate law enforcement agency having jurisdiction over such traffic laws.

9.3. For a period of six (06) months from the effective date of this Ordinance, the commands, proscriptions and penalties herein contained, shall be directory only.

**OR**

9.3. For a period of one (01) year from the effective date of this Ordinance, the commands, proscriptions and penalties herein contained, shall be directory only.

9.4. Upon the expiration of the directory period contained in the immediately preceding subsection, this Ordinance, and all commands, proscriptions and penalties herein contained, shall be and become mandatory.

**OR**

9.4. Before the expiration of the directory period contained in the immediately preceding subsection, this Ordinance shall be brought before the Board of County Commissioners, after notice and hearing as required by law, for a determination whether the Ordinance shall be enacted and ordained as a mandatory county ordinance

Section 10. PENALTIES:

10.1. Violations of this Ordinance shall be a misdemeanor subject to the New Mexico Motor Vehicle Code, [66-1-1 NMSA 1978] Penalty Assessment Misdemeanors, Section 66-8-116.

Section 11. EFFECTIVE DATE:

This Ordinance shall become effective thirty (30) days after its filing in the office of the San Miguel County Clerk.

MOVED, SECONDED AND ADOPTED this \_\_\_\_\_ day of 20\_\_\_\_, by the BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, NEW MEXICO.

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David R. Salazar, Chairman

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Nicolas T. Leger, Vice-Chair

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Marcellino A. Ortiz, Member

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Arthur J. Padilla, Member

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Ron R. Ortega, Member

\_\_\_\_\_  
Les W. J. Montoya, County Manager

ATTEST:

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

Melanie Y. Rivera  
San Miguel County Clerk

Jesus L. Lopez  
San Miguel County Attorney

Ordinance No. SMC-

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COUNTY OF SAN MIGUEL )  
STATE OF NEW MEXICO ) ss

I Hereby Certify That This Instrument Was Filed for  
Record On The 9TH Day Of November 2011 at 02:08:50 PM  
And Was Duly Recorded as Instrument #201104243  
Of The Records Of San Miguel

Witness My Hand And Seal Of Office  
Melanie Y. Rivera  
Deputy Galdamez County Clerk, San Miguel, NM

SAN MIGUEL COUNTY  
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