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VALENCIA COUNTY, NEW MEXICO

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VALENCIA COUNTY ORDINANCE

ORDINANCE 2020-01

An Ordinance

Restricting Truck Traffic on Don Felipe Road

Adopted by the Board of County Commissioners

On March 18, 2020

Effective on April 26, 2020



ORDINANCE No. 2020-01

ORDINANCE RESTRICTING THROUGH TRUCK TRAFFIC ON DON FELIPE ROAD

PREAMBLE

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, the Board of County Commissioners of the County of Valencia has determined that the health, safety and general welfare of the residents of Valencia County would best be served by the adoption of an Ordinance restricting through truck traffic on Don Felipe Road.

NOW THEREFORE, BE IT ORDAINED that the Board of County Commissioners of the County of Valencia adopts an Ordinance restricting through truck traffic on Don Felipe Road, as follows:

ARTICLE I. FINDINGS AND INTENT.

The Board of County Commissioners of Valencia County finds that truck traffic on Don Felipe Road poses a significant risk to the health and safety of inhabitants of Valencia County, and in particular has caused damage to the recent paving of the road. The Board of County Commissioners of Valencia County further finds that the truck traffic along this road constitutes a nuisance, producing vibrations, dust, and inflicts substantial damage upon the road. The Board of County Commissioners of Valencia County further finds that this Ordinance is remedial in nature, and designed to protect occupants of Valencia County. The Board of County Commissioners of Valencia County further finds this Ordinance to be the most narrowly tailored means of furthering compelling governmental interests.

ARTICLE II. SHORT TITLE.

This Ordinance shall be referred to as the "Don Felipe Truck Traffic Restriction Ordinance."

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ARTICLE III. DEFINITIONS.

For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED EMERGENCY VEHICLE means any fire department vehicle, police vehicle, ambulance and any emergency vehicles operated by the State of New Mexico, a municipality or County or operated by a public utility.

GROSS VEHICLE WEIGHT means the weight of a vehicle inclusive of any load.

SCHOOL BUS means any motor vehicle operating under the authority of a Board of Education or private or parochial school interests that is used to transport children, students or teachers to or from schools or to and from any school activity, but not including any vehicle:

(1) operated by a common carrier, subject to and meeting all requirements of the public regulation commission but not used exclusively for the transportation of pupils;

(2) operated solely by a government-owned transit authority, if the transit authority meets all safety requirements of the public regulation commission but is not used exclusively for the transportation of pupils; or

(3) operated as a per capita feeder as defined in NMSA 1978, Section 22-16-6.

TRUCK means every motor vehicle designed, used or maintained primarily for the transportation of property.

TRAILER means any vehicle, without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no significant part of its weight rests upon the towing vehicle.

SOLID WASTE TRUCK means any vehicle specifically designed to collect and transport solid waste or recyclables.

ARTICLE IV. GENERAL PROVISION AND OFFENSE.

Restricted Traffic.

A. Trucks and Truck Trailers, with a gross vehicle weight of five (5) tons or more, are prohibited from using Don Felipe Road without a permit.

B. This Ordinance shall not apply to travel of a solid waste truck or truck trailer which is delivering to a local resident.

C. This Ordinance shall not apply to authorized emergency vehicles, government or utility vehicles, service and transportation vehicles, and school buses.

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