

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2015-5

AN ORDINANCE
ESTABLISHING WEIGHT LIMITS ON VARIOUS COUNTY MAINTAINED ROADS

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY:

1. **SHORT TITLE.** This Ordinance shall be cited as the "County Road Weight Limit Ordinance" and shall be referred to herein as the "the Ordinance" or "this Ordinance."

2. **AUTHORITY.** This Ordinance is enacted pursuant to NMSA 1978, § 3-49-1, § 4-37-1, § 4-37-3, and § 66-7-415, and the Weight Limit Policy.

3. **DEFINITIONS.**

A. "Emergency vehicle" means any fire department vehicle or apparatus, police vehicle or apparatus, ambulance, and any other emergency vehicles or apparatus operated by the State of New Mexico, a municipality or county, or a public utility.

B. "Board" means the Board of County Commissioners of the County.

C. "County" means Santa Fe County.

D. "Combination" means any connected assemblage of a motor vehicle and one or more semitrailers, trailers or semitrailers converted to trailers by means of a converter gear.

E. "Gross combination vehicle weight" means the total of the gross vehicle weights of all units of a combination.

F. "Gross vehicle weight" means the weight of a loaded vehicle.

G. "Implement of husbandry" means every vehicle that is designed for agricultural purposes and exclusively used by the owner in the conduct of agricultural operations.

H. "Motor vehicle" means every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from batteries or from overhead trolley wires, but not operated upon rails.

I. "Permitting officials" means the Public Works Department Director or staff designated by him in writing as having the authority to issue temporary, excessive weight permits.

J. "School bus" means a commercial motor vehicle used to transport preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events, but not including a 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 students;

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(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 students; or

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

K. "Semitrailer" means a vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some significant part of its weight and that of its load rests upon or is carried by another vehicle.

L. "Ton" means 2,000 pounds.

M. "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.

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

O. "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and constructed to carry a part of the weight of the vehicle and load drawn.

P. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including any frame, chassis, body or unitized frame and body of any vehicle or motor vehicle, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks.

Q. "Weight Limit Policy" means the Policy adopted by Resolution No. 2014-114.

4. FINDINGS.

A. Roads paved with asphalt represent a significant investment by the County, since asphalt pavement is the most expensive road construction material.

B. Asphalt paved roads are engineered and constructed to withstand specific maximum weights and traffic volumes on a regular basis.

C. Pursuant to the Weight Limit Policy and the Settlement and Road Improvement Agreements between the County, King Brothers Ranch, Western Mobile Incorporated, Richard Cook, and Las Campanas Limited Partnership, dated October 6, 1997, the Public Works Department has assessed the roads identified in Section 5 of this Ordinance to determine if weight limits are advisable.

D. Based upon the Public Works Department's assessment, the Board has determined that the weight limits established in Section 5 should be imposed to protect the identified roads.

5. WEIGHT LIMITS ON DESIGNATED ROADS.

<u>Road or Portion of Road</u>	<u>Weight Limit</u>
County Road 33-Old Lamy Trail	Gross vehicle weight and gross combination vehicle weight shall not exceed five (5) tons per axle.
County Road 62-Caja del Oro Grant Road	Gross vehicle weight and gross combination vehicle weight shall not exceed five (5) tons per axle.
Caja del Rio Road North of the Entrance to the Caja del Rio Landfill to Las Campanas Drive	Gross vehicle weight and gross combination vehicle weight shall not exceed five (5) tons
County Road 45 –Bonanza Creek Road	Gross vehicle weight and gross combination vehicle weight shall not exceed five (5) tons per axle.

Gross vehicle weight and gross combination vehicle weight limits expressed as five (5) tons per axle are determined by multiplying the number of axles times five (5) tons. For example, the gross combination vehicle weight limit for a combination truck tracker and trailer with a total of 4 axles would be 40,000 pounds.

6. EXCEPTIONS. The weight limits established in Section 5 of this Ordinance shall not apply to:

- A. emergency vehicles;
- B. road machinery engaged in highway construction or maintenance;
- C. implements of husbandry, including farm tractors, temporarily moved upon a highway;
- D. vehicles making pick-ups from or deliveries to or providing services to addresses on a road identified in Section 5 of this Ordinance or addresses on adjacent roads served only by that road, including, but not limited to, solid waste removal services, utility vehicles performing work on utilities located along the roads identified in Section 5 of this Ordinance or adjacent roads served only by that road;
- E. a vehicle traveling to or from an address on a road identified in Section 5 of this Ordinance or an address on an adjacent road served only by that road, which vehicle belongs to a resident or business located at such address and is to be parked or used at such address, to the extent such parking or use is not otherwise prohibited by law or conditions of approval of a land use application or business license; or
- F. a vehicle operated under the terms of a temporary, excessive weight permit issued in accordance with this Ordinance.

7. TEMPORARY, EXCESSIVE WEIGHT PERMITS.

A. General Authority. Permitting officials may, in their discretion, upon application in writing and good cause being shown, issue a special permit in writing authorizing

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the applicant to operate or move a vehicle of a weight exceeding the maximum specified in Section 5 of this Ordinance.

B. Length of Permit; Conditions. Except for the movement of manufactured homes, a permit may be granted, in cases of emergency, for the transportation of loads on a certain unit or combination of equipment for a specified period of time not to exceed one year, and the permit shall contain the route to be traversed, the type of load to be transported and any other restrictions or conditions deemed necessary by permitting officials. In every other case, the permit shall be issued for a single trip and may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the permitting officials. Every permit shall be carried in the vehicle to which it refers and shall be opened for inspection to any peace officer. Violating a condition or term of a temporary, excessive weight permit issued pursuant to this section shall constitute a violation of this Ordinance and shall be subject to the penalties set forth in Section 9. In addition, violating a condition or term of a temporary, excessive weight permit issued pursuant to this section shall constitute grounds for revocation of the temporary, excessive weight permit.

C. General Standards and Conditions. Temporary, excessive weight permits will not be issued unless:

- 1. there is no reasonable way by reduction or division of the vehicle or equipment to meet the applicable weight limits;
- 2. the proposed excessive weight trips are not likely to damage the road(s) for which the permit is issued; and
- 3. the applicant has made satisfactory arrangements to indemnify the County for the cost of repairing any damage caused to the roads by the excessive weight trips.

D. Specific Conditions for the Removal of a Manufactured Home from a Property.

1. If a vehicle for which a permit is issued pursuant to this section is a manufactured home, permitting officials shall furnish the following information to the property tax division of the taxation and revenue department: the date the permit was issued, the location being moved from, the location being moved to, the name of the owner of the manufactured home, and the identification and registration numbers of the manufactured home.

2. A permit shall not be issued pursuant to this section until the owner of the manufactured home or the authorized agent of the owner obtains and presents to permitting officials proof that a certificate has been issued by the County Assessor or County Treasurer showing that either:

- a. all property taxes due or to become due on the manufactured home for the current tax year or any past tax years have been paid, except for manufactured homes located on an Indian reservation; or
- b. liability for property taxes on the manufactured home does not exist for the current tax year or a past tax year, except for manufactured homes located on an Indian reservation.

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8. CONDITIONS PRECEDENT TO EFFECTIVENESS OF RESTRICTIONS.

The weight limit established in Section 5 of this Ordinance for a particular road shall not be effective until the Public Works Department:

A. erects or causes to be erected and maintained signs designating the weight limit and provisions of this Ordinance at each end of that portion of any street affected; and

B. gives notice and a copy of this Ordinance to the nearest officer or employee of the New Mexico Department of Public Safety, Motor Transportation Division authorized to issue special permits and the Santa Fe County Sherriff.

9. PENALTIES AND CITATIONS.

A. Violations of this Ordinance shall be punishable by a fine of three hundred dollars (\$300) per violation, as allowed by NMSA 1978, § 4-37-3.

B. Prosecution of violations of this Ordinance may be commenced by the issuance of a citation charging the violation. Citations may be issued by the County Sheriff and Deputy County Sheriffs.

10. REPEAL OF ORDINANCE NO. 2005-3. Ordinance No. 2005-3 is hereby repealed, since the weight limit imposed by that ordinance is incorporated into this Ordinance.

11. PERIODIC REVIEW OF EFFECTIVENESS OF WEIGHT LIMITS. No less frequently than every three years, the Public Works Department shall periodically review and report to the Board on the effectiveness of the weight limits imposed by Section 5 of this Ordinance at protecting and preserving the asphalt of the roads subject to the weigh limits.


12. SEVERABILITY. If a provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

13. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after it is recorded in the office of the County Clerk.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THIS 28th DAY OF APRIL, 2015.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY


By: 
Robert A. Anaya, Chair

ATTEST:

Geraldine Salazar
County Clerk

4-28-2015



APPROVED AS TO FORM:



Gregory S. Shaffer
County Attorney

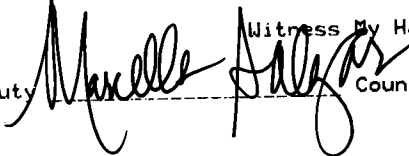
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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of April, 2015 at 03:57:50 PM
And Was Duly Recorded as Instrument # 1763226
Of The Records Of Santa Fe County

Deputy )
Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM