

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE NO. 2026- 01

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NOS. 1995-10, 2001-1
AND 2015-6 TO UPDATE THE RULES AND REGULATIONS FOR COUNTY OPEN
SPACES, TRAILS AND PARKS**

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

SECTION 1. SHORT TITLE.

This Ordinance shall be cited as the “Rules and Regulations for County Open Spaces, Trails and Parks.”

SECTION 2. PURPOSE AND LEGISLATIVE AUTHORITY

NMSA 1978 § 4-37-1 (1975) authorizes the Board of County Commissioners to adopt rules and regulations pertaining to open spaces, trails and parks.

The purpose of this Ordinance is to establish rules and regulations for public use of County open spaces, trails and parks in a manner that promotes public health, safety and welfare and preserves property which Santa Fe County owns, leases or otherwise manages as parks, trails or open space areas.

SECTION 3. DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (A) Bicycle. A two- or three-wheeled vehicle that is solely human-powered.
- (B) Board of County Commissioners. The Board of County Commissioners for Santa Fe County.
- (C) Commercial use. Any for-profit activity, regardless of the number of attendees; or any activity conducted by a nonprofit organization that charges admission or fees to participants or that is intended, in whole or in part, to raise funds, if such activity involves or is reasonably expected to involve fifty (50) or more attendees. Commercial use does not include the operation of vending machines authorized by the Board of County Commissioners.
- (D) Cultural property. Any structures, places, sites or objects having historical, archaeological,

SFC CLERK RECORDED 04/01/2026

scientific, architectural or other cultural significance.

- (E) Director. The Director of the Santa Fe County Growth Management/Land Use Department, or the Director's designee.
- (F) Electric bicycle. Any device upon which a person may ride that is equipped with two or three wheels, pedals for human propulsion, an electric motor of no more than seven hundred fifty (750) watts, and that ceases to provide assistance when the bicycle reaches a certain speed, not to exceed twenty-eight miles per hour (28 mph).
- (G) Electronic personal mobility device. Electric-powered micromobility devices (excluding electric bicycles), including, but not limited to, electric scooters, electric skateboards, electric one-wheel boards, segways, hoverboards, and similar devices. "Electronic personal mobility device" shall not mean motorized or electric wheelchairs, or any other electric devices adapted for use by persons with disabilities.
- (H) Itinerant vendor. Any person who brings onto any County open space, trail or park for the purpose of selling or offering for sale any food products, stocks or samples of goods, wares or merchandise.
- (I) Open space.
 - (1) Those lands so designated in the adopted Open Space, Trails and Parks Strategic Management Plan, as amended, and acquired by the County.
 - (2) Any other lands so designated at the time of acquisition or subsequently.
 - (3) Any lands so designated for which the County has assumed control or management responsibility by lease, easement or legal agreement.
- (J) Park. As used in this Ordinance, includes County sports fields.
- (K) Special use permit.
 - (1) A permit issued by the Board of County Commissioners or Director to a person, business entity or organized group to host or provide a certain event or activity within a County open space, trail or park.
 - (2) The term of a special use permit shall be for the duration of the approved event or activity.

SFC CLERK RECORDED 04/01/2026

SECTION 4. RULES AND REGULATIONS

- (A) Removing or installing objects.
 - (1) It shall be unlawful for any unauthorized person to remove, destroy, mutilate, collect or deface any natural or human-made object within any County open space, trail or park, including, but not limited to: trees, down timber or branches, shrubbery, plants, flowers, rocks, fences, bollards, signs, kiosks, bulletin boards, restrooms, tables, benches, cultural property and trash containers. Exceptions to this provision are as follows:
 - a. The removal of invasive plant species shall be allowed, provided it is done in

- accordance with a duly-authorized management plan.
 - b. The collection of edible and medicinal roots, herbs or nuts for individual consumption shall be allowed, provided it is done in accordance with a duly-authorized management plan.
 - c. Traditional gathering and the use of natural resources for traditional purposes by Indian Nations, Tribes or Pueblos shall be allowed by obtaining written permission from the Board of County Commissioners or Director.
 - d. Other exceptions may be granted on a case-by-case basis (e.g., for research purposes) as authorized by the Board of County Commissioners or Director.
- (2) All cultural properties located on lands owned, controlled or operated by Santa Fe County are protected under the Cultural Properties Act of the State of New Mexico (N.M. Stat. Ann. §§ 18-6-1 through 18-6-17, as amended). It is a violation of state law for any person to knowingly excavate, injure or destroy a cultural property, in whole or in part, located on or within Santa Fe County lands. Santa Fe County will prosecute violations of local, state and federal regulations regarding the protection of cultural property to the full extent of the law, which may result in both civil and criminal penalties.
- (3) It shall be unlawful for any unauthorized person to place rock bolts, install gates, erect signs, install rock structures, plant trees or any other type of landscape material or establish, construct, modify or maintain trails or other facilities for public or private use without the prior written permission from the Board of County Commissioners or Director.
- (B) Wildlife. It shall be unlawful for any unauthorized person to feed, hunt, pursue, trap, harass, disturb or kill any wildlife at any time within any County open space, trail or park. Exceptions to this provision are as follows:
- (1) A person may injure or kill any wildlife that is threatening immediate harm to themselves or others. Persons who act under this provision shall report this action to the County Sheriff's Office, County code enforcement officers or open space rangers, who shall verify the necessity of the action.
 - (2) This provision shall not apply to any County personnel or agents authorized by the Board of County Commissioners or Director to carry out a wildlife management program through law or County-approved rules, regulations or management plans.
- (C) Firearms. It shall be unlawful to carry or discharge into any County open space, trail or park a firearm, projectile weapon or explosive of any kind including, but not limited to fireworks, BB guns, pellet guns, air guns, crossbows, longbows, slingshots or other device capable of causing injury to persons or animals or damage or destruction to property. Peace officers on official duty are excepted.
- (D) Domestic animals.
- (1) Any dog or other domestic animal within a County open space, trail or park shall be under the control of a person at all times, and restrained by a leash within 100 feet of trailheads, and within 100 feet of watercourses, wetlands, and riparian areas, unless otherwise posted.
 - (2) Horses shall be permitted, except in designated and posted areas that prohibit the

use of horses, and must be adequately controlled at all times.

- (3) Grazing on properties may be allowed provided it is done in accordance with a duly-authorized plan. Otherwise, grazing shall require a special use permit.
- (4) It shall be unlawful for any person to allow any dog or other domestic animal under their control to disturb, harass or chase humans, other domestic animals, wildlife or livestock in a County open space, trail or park.
- (5) Any person who brings a dog into a County open space, trail or park shall pick up, carry out and dispose of that dog's excrement.

(E) Camping. Camping is only permitted in designated areas.

(F) Special use permits. Special use permits are required for all commercial uses, and for other uses specified in this Ordinance as requiring a special use permit. Special use permits may be obtained by making an application to the County Growth Management/Land Use Department. Fees for special use permits may be waived for nonprofit activities. The Board of County Commissioners or Director may require indemnification and proof of general liability insurance naming the County as an additional insured before issuing a special use permit to any person or entity.

(G) Fires.

- (1) Fires may be built only in designated picnic areas and then only in grills and fireplaces or in personal grills and stoves. All fires must be attended at all times and properly extinguished.
- (2) Exceptions to the ground fire prohibitions may be allowed only with a special use permit, or in the event of a duly-authorized prescribed burn conducted by qualified County personnel or their agents.
- (3) Fires may be prohibited entirely by order of the Board of County Commissioners, the County Sheriff or County Fire Marshal by the posting of special notices or other means of public notification. It shall be unlawful to build any fire or use any stove or other device having an open flame whenever an order prohibiting the same is in effect.

(H) Bicycles, electric bicycles and other electronic personal mobility devices.

- (1) Bicycle use within any open space, trail or park shall be allowed only on designated roads or trails and only when those areas are not posted to prohibit such use.
- (2) Electric bicycles may be used within any County open space, trail or park where conventional bicycles are allowed, subject to the same regulations as conventional bicycles, with the exception of the regulations listed in sections 4(H)(3) and 4(H)(6) of this Ordinance.
- (3) To mitigate fire risk, electric bicycles used within a County open space, trail or park must adhere to UL2849, "the Standard for Electrical Systems for eBikes" and UL2271, "the Standard for Batteries for Use in Light Electric Vehicle (LEV) Applications." Replacement or supplemental batteries must comply with the UL2271 standard.
- (4) Electronic personal mobility devices shall not be used on natural surface trails,

except their use shall be allowed on designated regional trails (including non-paved sections of the Santa Fe Rail Trail, Santa Fe River Trail, and any other future regional trails) and connecting spurs, or as otherwise posted. Single-rider, motorized vehicles adapted for use by persons with disabilities are exempt from this provision.

- (5) All persons shall operate a bicycle, electric bicycle or electronic personal mobility device in a County open space, trail or park in a manner that is reasonable and prudent under the conditions then existing, and in accordance with this Ordinance.
- (6) No person shall operate within any County open space, trail or park an electric bicycle or electronic personal mobility device that has knowingly been modified to increase the speed capability of the electric bicycle or device.

(I) Motor vehicles and parking.

- (1) No person may operate a motor vehicle, including a car, truck, motorcycle, mini-bike, all-terrain or other recreational vehicle within any County open space, trail or park unless the area is specifically designated and posted to permit the operation of the vehicle. Exceptions to this provision are as follows: County and emergency vehicles on official business; electric bicycles; and single-rider, motorized vehicles adapted for use by persons with disabilities.
- (2) Vehicles shall be parked only in designated parking areas and in designated camping areas and may not be left occupied or unoccupied in a County open space, trail or park at any time outside of the hours of operation, except as specifically authorized in designated camping areas, or by written permission from the Board of County Commissioners or Director. In some cases, private road easements exist within County open space, trail or park properties. When that is the case, residents of the private road may leave their vehicles in parking areas along the road easement at any time.
- (3) It shall be unlawful to park any vehicle in a manner as to block access, restrict traffic or inhibit free movement of other vehicles or persons. Vehicles so parked may be towed or moved at the owner's expense.

(J) Speed Limit. No person within any County open space, trail or park shall operate a bicycle, electric bicycle, electronic personal mobility device or ride a horse at a speed greater than 15 miles per hour, unless otherwise posted, with the exception of emergency responders.

(K) Advertising. The posting of advertisements or the placement of brochures by private parties on County open space, trail or park facilities and on vehicles within designated parking areas is prohibited, except on designated community bulletin boards.

(L) Disposal of trash. It shall be unlawful to dispose of trash, contaminants, garbage, rubbish, litter or debris within any County open space, trail or park except that which is generated by legal activities conducted within the open space, trail or park. Trash and debris legally generated within any County open space, trail or park must be removed or deposited in designated trash receptacles.

SFC CLERK RECORDED 04/01/2026

- (M) Alcoholic beverages. It shall be unlawful to sell, consume, possess or serve alcoholic beverages, as defined by state statute, within any County open space, trail or park, except pursuant to a special use permit.
- (N) Research. All research projects to be conducted within any County open space, trail or park must be reviewed by qualified County personnel and authorized by the Board of County Commissioners or Director. All research projects shall comply with this Ordinance.
- (O) Commercial uses. It shall be unlawful for any person, acting individually or on behalf of a business or organization, to use any County open space, trail or park for any commercial purpose without first obtaining a special use permit.
- (P) Public nuisance.
 - (1) It shall be unlawful for any person to engage in any activity within a County open space, trail or park which interferes with the health, safety or welfare of the users, or which creates a nuisance or hazard to the use and/or safety of persons using or neighboring the area.
 - (2) Disorderly conduct, including amplified sound or other activity that interferes with the quiet enjoyment of other persons in the immediate vicinity, is prohibited, except as expressly authorized by a special use permit.
- (Q) Yielding the right-of-way.
 - (1) It shall be unlawful for any trail user passing another trail user to fail to yield in the manner defined herein or as otherwise posted at trailheads or along trails.
 - (2) The appropriate order for yielding the right-of-way is as follows: (1) all users yield to equestrians; and (2) bicycles, electric bicycles, and electronic personal mobility devices yield to pedestrians.
 - (3) Yielding the right-of-way shall consist of slowing down to a safe speed, being prepared to stop, establishing communication and passing safely.
- (R) Closures. The Board of County Commissioners or Director may from time to time determine that closures of open space areas to the public and/or to certain animals or uses are necessary or desirable to protect resources or for public safety concerns. The Board of County Commissioners or Director may designate an area as closed temporarily, indefinitely or permanently. The restrictions shall be posted at trailheads and/or along fence lines and it shall be unlawful for unauthorized members of the public to violate the posted restrictions. Authority for persons to enter closed areas shall be granted by the Board of County Commissioners or Director on a case-by-case basis.
- (S) Posted regulations. It shall be unlawful to violate any posted regulations, or those regulations set forth in an official County open space, trail or park brochure or other printed or digital publication.
- (T) Unauthorized selling or soliciting the sale of goods. It is prohibited for itinerant vendors to go onto a County open space, trail or park for the purpose of selling or soliciting the sale of

goods, wares or merchandise except as authorized by the Board of County Commissioners or Director. Each act of selling or soliciting for sale shall constitute a public nuisance and a separate violation of this Ordinance.

(U) Other prohibited activities. Within or over any County open space, trail or park it is unlawful to:

- (1) Travel off designated County trails except as posted or instructed by qualified County personnel or their agents.
- (2) Drive or hit golf balls, except at places designated for that purpose.
- (3) Wear any footwear on tennis courts or pickleball courts except tennis or pickleball shoes.
- (4) Roller skate, roller blade, skateboard, bicycle, bring motorized vehicles, including but not limited to mopeds, motorcycles, and all-terrain vehicles, or bring animals onto tennis or pickleball courts. Service animals and single-rider, motorized vehicles adapted for use by persons with disabilities are exempt from this provision.
- (5) Take-off, land or operate any unmanned aircraft system (drone) unless operated by County personnel or their agents, or as otherwise permitted by the Board of County Commissioners or Director. No person shall operate an unmanned aircraft system so as to endanger, harass, harm or injure any person, companion animal, livestock or wildlife.

(V) Hours of operation.

- (1) Unless otherwise posted, all open spaces, trails and parks shall be open to the public each day from dawn until dusk. No person, other than duly authorized employees, agents or officers of the County, shall be in any County open space, trail or park during closed hours, except as instructed by qualified County personnel or their agents. Trails adjacent to County-maintained roads and trails designated as regional trails, which serve as travel corridors between communities, are exempt from this provision, including the Santa Fe River Trail, Arroyo Hondo Trail in the Community College District, Santa Fe Rail Trail, and any other future regional trails. These trail corridors and connecting spurs shall be open 24 hours per day. Further exceptions (e.g., for special events) are permitted by obtaining written permission from the Board of County Commissioners or Director.

(W) Exceptions to rules and regulations.

- (1) Exceptions to these rules and regulations, as amended, may be granted by the Board of County Commissioners or Director for activities that involve the management of County open spaces, trails and parks, provided these activities are undertaken or overseen by qualified County personnel or their agents, or as provided in the terms of a lease.
- (2) Any other exceptions to these rules and regulations that are not explicitly identified, or for which the process to receive permission for an exception is not explicitly stated, shall be reviewed by the Board of County Commissioners or Director on a case-by-case basis. It shall be at the discretion of the Board of County Commissioners or Director to determine if permission for the activity will be granted by written permission or by the issuance of a special use permit. Permission for the

SFC CLERK RECORDED 04/01/2026

activity may be denied in the absolute discretion of the Board of County Commissioners or Director.

SECTION 5. ENFORCEMENT AND PENALTIES

- (A) Authorized enforcement officers. Deputy Sheriffs, County code enforcement officers, and open space rangers (collectively, “authorized enforcement officers”) are hereby authorized to enforce this Ordinance. To the extent that the Board of County Commissioners may find it desirable to vest specific enforcement authority in other County personnel or another governmental agency, it shall designate such personnel by resolution and those individuals so designated shall also have the authority and responsibility to enforce regulations adopted for County open spaces, trails and parks.
- (B) Advisory warning. Prior to taking formal enforcement action for violation of this Ordinance, an authorized enforcement officer, at the officer’s discretion, may issue a verbal or written advisory warning, the purpose of which is to educate the offender of the specific requirements and purpose of the provision of this Ordinance that was violated and warn the offender that formal enforcement action may be taken for future violations. Education and future compliance is the goal of advisory warnings, before having to resort to enforcement procedures.
- (C) Enforcement mechanisms. All remedies available by law are available to address violations of this Ordinance. The authorized enforcement officer shall choose the most economically and legally appropriate process. Options include:
- (1) Criminal citations charging the violation in a court of competent jurisdiction of the County pursuant to statutory authority in NMSA 1978, § 4-37-3.
 - (2) A civil lawsuit to remediate the violation as authorized by law.
 - (3) All other remedies as provided by Ordinance, state statute and common law.
- In deciding which process to pursue, the authorized enforcement officer may consult with the County Attorney or designee.
- (D) Notice of violation. Any person who violates any provision of this Ordinance may be issued a notice of violation or citation. The decision whether to issue a notice of violation or citation is a matter within the discretion of the authorized enforcement officer. Any person who receives a notice of violation shall have the period specified in the notice of violation to complete the acts specified and/or to achieve compliance with the requirement cited. A notice of violation may set forth different compliance dates for each respective violation cited or specified. Failure to remedy the violations cited or complete the acts specified within the time frames set forth in a notice of violation will result in the issuance of a citation.
- (E) Citation. An authorized enforcement officer may institute a criminal prosecution for the violation of this Ordinance by issuing a citation charging the violation. If the authorized enforcement officer determines that the appropriate enforcement mechanism is the

SFC CLERK RECORDED 04/01/2026

criminal process, a criminal citation shall be filed in a court of competent jurisdiction. Upon conviction of any such violation, such person may be punished by fine of not more than \$300.00 or by imprisonment for not more than ninety (90) calendar days, or by both such fine and imprisonment and as otherwise allowed under NMSA 1978, § 4-37-3.

- (F) Recovery of damages. A person violating this Ordinance is responsible for all damage caused as a result of the violation to a County open space, trail or park or any natural or human-made objects within a County open space, trail or park. The process for the recovery of damages is as follows:
- (1) A cost estimate of damages to the County property will be obtained by County staff. An environmental damage assessment may be conducted at the violator's expense by recognized professionals, who will determine estimated recovery costs.
 - (2) The County may recover such damages from the violator in a lawsuit brought in a court of competent jurisdiction or as court-ordered restitution, and such recovery is in addition to and not in lieu of any other remedy or penalty authorized in this Ordinance or under law.
 - (3) A person violating the provisions of the Cultural Properties Act [NMSA 1978 §18-6-1, et. seq.] on an open space, trail or park owned, controlled or operated by the County shall be liable for civil damages to the County in an amount equal to the cost of restoration, stabilization and interpretation of the cultural property or, at the discretion of the court, an amount equal to twice such cost. The cost shall be determined by an archaeological damage assessment conducted at the violator's expense.
- (G) Other lawful action. Nothing herein shall preclude the County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance, such as seeking injunctive relief, abatement or restitution.

SECTION 6. REPEAL.

Santa Fe County Ordinance Nos. 1995-10, 2001-1 and 2015-6 are hereby repealed in their entirety.

SECTION 7. SEVERABILITY.

If a provision of this Ordinance or its application to any person or circumstance is held by a court of competent jurisdiction to be 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 the Ordinance are severable.

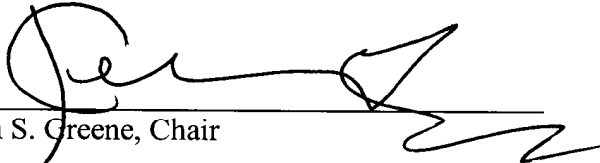
SECTION 8. EFFECTIVE DATE.

The effective date of this Ordinance shall be thirty (30) days after this Ordinance is recorded with the County Clerk.

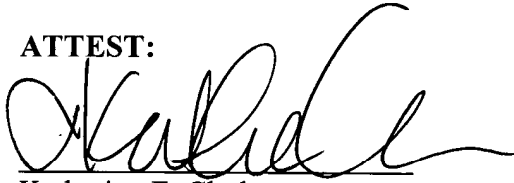
SFC CLERK RECORDED 04/01/2026

PASSED, APPROVED AND ADOPTED ON THIS 31st DAY OF March, 2026.

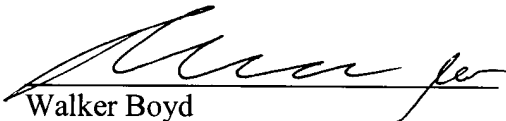
SANTA FE COUNTY
THE BOARD OF COUNTY COMMISSIONERS

By: 
Justin S. Greene, Chair

ATTEST:


Katharine E. Clark
Santa Fe County Clerk


Approved as to Form:

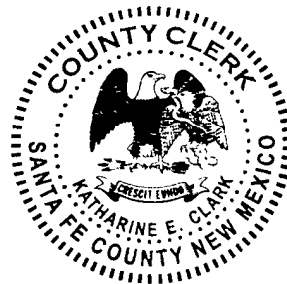

Walker Boyd
Santa Fe County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
PAGES: 10

I hereby Certify That This Instrument Was Filed for
Record On The 1ST Day Of April, 2026 at 02:08:32 PM
and Was Duly Recorded as Instrument # **2080348**
of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy  County Clerk, Santa Fe, NM



SFC CLERK RECORDED 04/01/2026