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Date: Thu, 17 Apr 2008 06:41:06 -0700  
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Subject: RE: questions from the Az. Daily Star

Hi Patty,

Thank you for your inquiry concerning the operation of all terrain vehicles (ATVs) within city limits and near new and existing subdivisions.

Indeed, Mesquite Ranch, Civano, Sierra Morado, and Desert Willow subdivisions are all affected by the operation of off-road vehicles due to noise or safety issues involving illegal operation of unlicensed vehicles. In addition, local businesses and cattle ranchers are also adversely affected by the noise created by ATV operation and the "spook" factor to grazing cattle and horseback riders.

***YOU ASKED: Based on what I've told you about what I've learned so far, is the problem similar in Mesquite Ranch? Please share some details and, if the problem is different or more complex, please explain. Has this problem become more pronounced recently? How often would you say riders are disturbing the peace or, if it applies, endangering residents there?***

From a Mesquite Ranch Neighborhood Association (MRNA) perspective, Mesquite Ranch has no problems with residents who enjoy the thrill of ATV riding, but our expectation is that those who do ride must do so in accordance with local and state laws. The problems we continue to experience are:

1. Unlicensed ATV operation
2. Operation of ATVs within 1/4 mile of permanent dwellings
3. Unlawful operation of ATVs or trespass of leased State land

Unlicensed operation of ATVs is a vehicle operation violation that ATV operators are fully aware of. ATVs may not be operated on City streets unless they are properly licensed ... without exception. The rule also extends to those ATVs that are licensed but the license plate is not properly displayed. Obtaining a license for an ATV only allows the vehicle to be operated on City streets. It does not necessarily permit or authorize off-road operation. Mesquite Ranch does have a problem with both unlicensed ATV operation and licensed ATVs that do not properly display their licenses. Frequency of 911 calls to law enforcement is 1-4 calls per week.

Operation of ATVs within 1/4 mile of a permanent dwelling is another problem in Mesquite Ranch because of the Mesquite Ranch Wash that runs through the subdivision. Residents who exercise by walking or running within the subdivision frequently report ATV operation on footpaths and within the wash area. Operation of ATVs on footpaths where pedestrians walk and exercise becomes a community safety concern for residents. Operation of ATVs in the wash destroys the landscaping and the natural

desert scheme which is costly to repair and potentially lowers property values. In addition, operation of ATVs in the wash areas within the subdivision disturbs the peace because they are very close to private dwellings and are noisy. Many ATV operators from Mesquite Ranch and neighboring Sierra Morado attempt to use the Mesquite Ranch subdivision wash as a transient access to Poorman Road which then provides access to State land east of the subdivision. Frequency of 911 calls to law enforcement is 1-4 calls per week.

Unlawful operation of ATVs or trespass of leased State land is a problem east of Mesquite Ranch. All land east of Mesquite Ranch is leased State land which extends immediately east of the Mesquite Ranch subdivision to the Pantano Wash. The land is leased by a local rancher who actively uses the land for grazing cattle. This area is protected by State land statutes but is frequently violated by ATV and dirt bike operators that are not properly credentialed by the State. Operation of ATVs is not authorized without the consent of the State of Arizona and threatens the legal use of this land including cattle grazing, horseback riding, falconing, and use by those with proper permits. Frequency of 911 calls to law enforcement is 1-5 calls per month.

***YOU ASKED: How long have Mesquite Ranch residents been challenged by this issue?***

This problem has been going on for years, however, with increased development on the eastside, the problem is becoming increasingly more prevalent. For the last 6 months, the MRNA has stepped up efforts to address the problem by requesting enforcement of City and State statutes.

***YOU ASKED: Do you know of any residents who enjoy walking in the wash and who might be willing to be photographed during a regular outing? (I am trying to find a photo opportunity instead of just sending a photographer out to take a random shot).***

There are many Mesquite Ranch residents who use the footpath within the subdivision for exercise and many have regular exercise routines. Early mornings would be the best time for a photo opportunity.

***YOU ASKED: Are there any solutions or ideas that your neighborhood association has come up with that you'd like to share?***

The MRNA has been working with local law enforcement and Ward 4 officials since December 2007 to methodically address the ATV problems we are having. In late December 2007, MRNA met with the Tucson Police Department, Ward 4, and the Mesquite Ranch Homeowners' Association to address the problems and develop a plan to curb ATV operation violations.

Captain Bill Washington, Division Commander for TPD Operations Division East, wisely suggested that educating the community should be the first step in addressing the longstanding ATV issues. He proposed a 3 month community awareness period that would educate ATV operators on State and City statutes before exercising the enforcement option.

As a direct result of this meeting, a three pronged approach was adopted which included:

1. Creating an educational flyer highlighting State and City Statutes for ATV operation and firearms use. (Ward 4 tasking)

2. Creating a special patrol effort designed to educate riders stopped by the patrols (TPD tasking)

3. Posting "No Trespassing" signs on leased State land (Ward 4 tasking)

Ward 4 stepped up to the plate by creating and distributing an informational flyer that was provided to TPD and MRNA to provide to ATV riders and residents to educate the community on the proper use of leased State land.

MRNA posted the flyer on their website and briefed residents at association meetings. In addition, Ward 4 engaged with Arizona State Land officials to authorize posting of "No Trespassing" signs on Poorman and Bilby Roads to inform the public that accessing State land without permission is not authorized. Council Member Shirley Scott donated funds to have the signs made and installed.

Captain Washington teamed with the Arizona Game and Fish Department and setup a taskforce that stopped all ATV and off-road operators east of Mesquite Ranch during the month of January 2008, providing operators with the educational flyers described above and checking proper licensing. TPD continued the educational process on all ATV stops through the end of March 2008. April 2008 represents a transition from educating ATV operators to enforcing State and City statutes. A second meeting will be held in April to discuss enforcement implementation.

The MRNA and Mesquite Ranch residents continue to report ATV and firearms violations to TPD.

I hope the above information helps. It is MRNA's desire that ATV and other off-road enthusiasts safely enjoy their activities in a friendly and authorized environment. Hopefully your article will help educate Tucsonans by making them more aware of ATV issues. Additional information may be found on our website at [www.mesquiteranch.org](http://www.mesquiteranch.org).

Kind regards,

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