

## Gallup Council talks Off-Highway Motor Vehicle ordinance

Written by By Bernie Dotson Sun Correspondent  
Friday, 22 July 2016 03:58

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### New matter to come before city again for vote

The Gallup City Council discussed putting into place an ordinance that would allow Off-Highway Motor Vehicles, often referred to as All-Terrain Vehicles, to be driven on city streets. City Attorney George Kozeliski agreed to draft a formal ordinance regarding the matter, which could be re-introduced to council members for a vote in a matter of weeks.

At the request of citizenry, City Councilor Allan Landavazo asked that the matter be discussed, and the matter was listed on the July 12 regular city meeting agenda as a presentational and informational item.

“Pretty much we’re talking about any off-road vehicle,” Kozeliski said. “This was brought to me by Councilor Allan Landavazo some time ago.”

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He noted that a local ordinance would mirror a state law.

According to Kozeliski, Landavazo asked that the matter be presented as an informational item before things went further. Councilor Yogash Kumar and Landavazo, who is an ATV owner, asked about speed limits (35 to 45 miles per hour) pertaining to such vehicles.

“It is a safety issue when it comes to speed limits,” Landavazo said. “Most city streets have that limit as far as speeding is concerned.”

Council members asked about everything from who could actually drive the vehicles to where within city limits such vehicles could be driven. Landavazo noted the importance of these concerns, as parts of U.S. 491, Highway 66, Boardman Drive, and Maloney Avenue are popular driving venues.

### ***Where do things go from here?***

Kozeliski will finalize the ordinance.

Landavazo said enforcement of an ATV law would most likely fall along the legal lines of motorcycle traffic law— i.e., helmet requirement, eye protection, proper licensure, and the like.

“I think there will be a few to start, but they will increase,” Kozeliski said of public interest. “I see it more as people driving [the off-road vehicles] to the ATV Park [off Hassler Valley Road], as opposed to putting them on a trailer and going over there.”

Kozeliski noted that the city of Farmington has an ATV ordinance in place, making it the first municipality in New Mexico to adopt such a law. Landavazo noted he believes Farmington’s ordinance deals with side-by-side ATV driving rather than solo operation or driving with a passenger.

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According to Kozeliski, it's not legal for people to simply drive an ORV through city streets, which is one of the reasons it has to be put into ordinance.

"It's not legal under state law," he said. "The state controls all traffic law. The legislature gave this exception, and we have to adopt an ordinance to make it legal."

Kozeliski noted he believes Mayor Jackie McKinney is the only other person on the city council who owns an off-road vehicle. McKinney didn't comment much on the matter during the meeting, but encouraged the formation of a formal ordinance.

Representatives from Red Rock Motorsports attended the meeting and spoke in favor of adopting an ordinance. The group periodically sponsors ATV events at the Hassler Valley motocross park.

"It's something that would be good for the city. It could be good for tourism," Greg Kirk, a local physical therapist and ATV enthusiast, said.

Kozeliski referenced information from former Gallup City Councilor Charlie Chavez, who recently visited Williams, Ariz., and said that city uses golf carts and ATVs to shuttle tourists to popular spots. Chavez suggested this might boost interest in downtown Gallup and other city attractions.

Landavazo added that in the future, Gallup could host an annual "jamboree" of sorts with respect to ATV use.

"I think this could work," Landavazo said of the ordinance. "I think it's a good idea."

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