

Introduced by: Public Safety Commission
Date: July 28, 1998
Public Hearing: August 11, 1998
Postponed to: August 24, 1998
Action: Enacted as Amended
Vote: Unanimous

**CITY OF BETHEL, ALASKA
ORDINANCE NO. 98-19**

**AN ORDINANCE REQUIRING THE PARENT, GUARDIAN AND THE OWNER OF
SNOW MACHINES, ATVs, MOTORCYCLES AND OTHER OFF-HIGHWAY VEHICLES
TO PREVENT MINORS FROM DRIVING OR RIDING ON SUCH VEHICLES WITHOUT
AN APPROPRIATE HELMET**

WHEREAS, the City of Bethel highly values the safety of minors who operate or are passengers on motorcycles, all-terrain vehicles, snow machines and other off-highway vehicles, and

WHEREAS, the Bethel Public Safety Commission has recommended the adoption of an ordinance requiring minors to wear U.S. Department of Transportation approved helmets when operating off-highway vehicles within the City limits and believed that such a requirement will be in the interest of public health and safety,

NOW THEREFORE BE IT ORDAINED BY THE BETHEL CITY COUNCIL THAT:

Section 1. Classification Code. This ordinance is permanent in nature and shall become a part of the Bethel Municipal Code.

Section 2. Amendment of Chapter. Chapter 9.20 of the Bethel Municipal Code is amended by adding a new section 9.20.025 reading:

9.20.025 Helmet required, parental responsibility.

A. An unemancipated minor may not operate or be a passenger on an off-highway vehicle operated by a minor unless wearing protective head gear that complies with the standards of the United States Department of Transportation or other protective head gear standards adopted by the State of Alaska.

B. A parent, guardian, or other person having the custody and control of a minor may not knowingly, negligently or recklessly authorize or permit the minor to operate or be a passenger on an off-highway vehicle in violation of subsection A of this section.

C. A parent, guardian, or other person having the custody and control of a minor may not, knowingly, negligently or recklessly fail to prevent the minor from operating or being a passenger on an off-highway vehicle in violation of subsection A of this section.

D. A person who owns, manages or controls an off-highway vehicle may not knowingly, negligently or recklessly authorize or permit a minor to operate or be a passenger on the off-highway vehicle in violation of subsection A of this section.

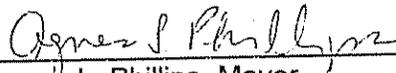
E. A person who owns, manages or controls an off-highway vehicle may not knowingly, negligently or recklessly permit another person, including a minor, to permit or authorize a minor to operate or be a passenger on the off-highway vehicle in violation of subsection A of this section.

F. For purposes of this section, a minor is an individual who is under 18 years of age and who has not been emancipated; off-highway vehicle includes snow machines, motorcycles, four-wheelers, all terrain vehicles and similar motorized vehicles, and a sled or other device towed by an off-highway vehicle.

G. A parent, guardian, or other person having the custody and control of a minor or a person who owns, manages or controls an off-highway vehicle who violates any provision of this section is punishable by a civil fine of not more than \$100, but not less than \$25. Punishment for a violation of subsections B, C, D, or E, may be imposed only in a civil action pursuant to a complaint or citation. A person accused of such a violation does not have a right to a trial by jury nor to a public defense.

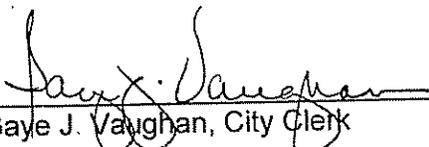
Section 3. Effective Date. This ordinance becomes effective 90 days after adoption.

ADOPTED this 24th day of AUGUST, 1998, by a vote of 6 Yes, 0 No, and 0 Abstaining.



Agnes L. Phillips, Mayor

ATTEST:



Gaye J. Vaughan, City Clerk