

Introduced by: Public Safety &  
Transportation  
Commission  
Introduction Date: August 29, 2006  
Public Hearing: September 12, 2006  
September 26, 2006  
Action: Passed  
Vote: 4-3

## *CITY OF BETHEL, ALASKA*

### **ORDINANCE #06-21**

#### **AN ORDINANCE AMENDING SECTION 10.02.455 OF THE BETHEL MUNICIPAL CODE PERTAINING TO THE OPERATION OF SNOWMOBILES AND OTHER OFF-HIGHWAY VEHICLES ON HIGHWAY AND OTHER LOCATIONS**

**WHEREAS** the City of Bethel ("City") has adopted regulations by reference to the Alaska Administrative Code regarding the operation of snowmobiles and other off-highway motorized vehicles;

**WHEREAS** the City is aware of the desires of some residents of the community to be able to provide alternative methods of vehicular transportation as well as the need for providing for the safety of those who live and visit the City;

**WHEREAS** snowmobiles, personal all-terrain-vehicles (ATV or four wheelers), off-road motorcycles and scooters, and other similar vehicles provide alternative transportation as being sought by some residents members of the community;

**WHEREAS** in order to provide for the safety and general welfare of the community and to meet the needs of those who desire or depend upon alternative means of transportation, certain rules and regulations are required.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of Bethel, Alaska that:

**SECTION 1. Classification.** This ordinance is permanent in nature and shall be placed in the Bethel Municipal Code.

**SECTION 2. Applicability** Section 10.02.455 of the BMC shall be amended to include the following paragraphs and language as a supplement to and not replacing language in the Alaska Administrative Code:

D. Snowmobiles and ATVs shall also be permitted to operate only on City owned and maintained, ~~non-paved~~ streets subject to the following rules, and regulations:

1. Snow machines and ATVs shall be permitted provided that the driver of the snow machine is at least sixteen (16) years of age **and posses at minimum a valid Alaska Class D driver's license, or equivalent from another jurisdiction, and comply with all State of Alaska laws and regulations pertaining to driver's licenses.** ~~unless accompanied on that vehicle by a responsible individual who is at least eighteen (18) years of age.~~

2. Snow machines and ATVs **must comply with all State of Alaska and City of Bethel traffic laws and ordinances, including but not limited to:** shall be ~~equipped with both a tail light and a head light which are constantly illuminated when the vehicle is in an operating mode.~~

~~i. **vehicle must be registered through the Division of Motor Vehicles, and proof of registration must be displayed in the designated location on the vehicle; and**~~

~~ii. **vehicle must have liability insurance, and proof of insurance must be presented on demand; and**~~

~~iii. **vehicle must be equipped with at least one functional headlight, taillight, and brake light that meets Alaska Administrative Code requirements for said equipment; and**~~

~~iv. **vehicle may not carry any passengers other than the operator unless it is designed and equipped by the manufacturer to do so; and**~~

~~v. **vehicle operator must abide by all speed limits, regulatory signs, and other traffic safety regulations.**~~

3. **The operator must comply with all State of Alaska and City of Bethel laws and ordinances as they pertain to the use of eye protection and helmets.** ~~Snow machines and ATVs shall be equipped with a brake light that meets Alaska Administrative Code requirements for said equipment.~~

4. **Towing of sleds or trailers is permitted only under the following restrictions:** ~~Snow machines and ATVs shall only be permitted on City streets when operated in conformance with the manufacturer's requirements for passengers and luggage.~~

~~i. **the sled or trailer must be attached by a solid and rigid towing device (ropes, cables, tow straps and the like are prohibited); and**~~

~~ii. **the sled or trailer must be equipped with the proper lighting that is illuminated if the taillight and brake light of the snow machine or ATV is not visible from behind the sled or trailer; and**~~

~~iii. **if not required to have lights, the sled or trailer must be equipped with at least two red reflectors, one permanently attached to each uppermost rear corner of the sled or trailer; and**~~

~~iv. **trailers being towed must be under 1500 pounds (including its cargo) and the trailer and its cargo can not be blocking the operator's ability to easily see behind the vehicle and trailer.**~~

5. ~~**Officers of the Bethel Police Department and the Alaska State Troopers have the authority to stop and contact the operator of any snow machine or ATV driving on the roadway at anytime to assure compliance with this ordinance.**~~ ~~The operator of a snow machine or ATV~~

~~shall abide by all speed limits, regulatory signs, and other traffic safety regulations which apply, including turning signals either lighted or hand signals, to vehicles using the City streets.~~

### **SECTION 3. Definitions**

As used in Section 10.02.455 of the BMC:

- ~~1. "Responsible individual" means a person at least eighteen years old with the relevant knowledge, skill, experience and mental and physical capacities to ensure that the child under sixteen (16) years of age operates the snow machine or ATV in a safe and responsible manner.~~
1. "Snow Machine" means a motor vehicle weighing one (1) ton or less, gross vehicle weight, primarily designed to travel over snow and supported, in part, by skis, belts, cleats, tracks or low pressure tires and includes the vehicle commonly known as a snowmobile or snow-go.
2. "ATV" means a propelled vehicle that has three (3) or more wheels or two (2) or more tracks or treads, measuring less than seventy-five 75 inches in width, having a dry weight of one (1) ton or less, being equipped with low pressure tires or rubberized or metal tracks or treads and designed primarily for travel over unimproved terrain.

### **SECTION 4. Offenses**

- ~~1. A minor under the age of sixteen (16) commits an offense under BMC Section 10.02.455 if he/she operates a snow machine or ATV without being accompanied on that vehicle by a responsible individual who is at least eighteen years of age or older.~~
1. A parent or guardian of a minor under the age of sixteen (16) commits an offense under the BMC Section 10.02.455 if he/she knowingly permits, or, by insufficient control, allows the minor to operate a snow machine or ATV **in violation of this ordinance**, without being accompanied on that vehicle by a responsible individual who is at least eighteen years of age or older. Indifference as to the activities or whereabouts of the minor under the age of sixteen (16) shall be prima facie evidence of insufficient control.

### **SECTION 5. Fines**

1. Any **operator or** minor and/or the minor's parent or guardian **of a minor operator under sixteen (16)** found guilty of a violation of BMC section 10.02.455 **that will not be charged under State of Alaska Statute or Administrative Code** is guilty of an infraction and is punishable by a fine of
  - i. Twenty-five (\$25) dollars for a first (1<sup>st</sup>) citation offense;
  - ii. Fifty dollars (\$50) for a second (2<sup>nd</sup>) citation offense;
  - iii. Seventy-five (\$75) dollars for a third (3<sup>rd</sup>) citation offense;
  - iv. One hundred dollars (\$100) for a fourth (4<sup>th</sup>) citation offense, and each one (1) thereafter.
2. **Officers of the Bethel Police Department may impound** snow machines and ATV's whose operators have been cited upon the fourth (4<sup>th</sup>)

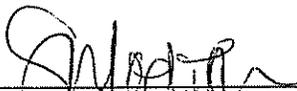
citation under the provisions of BMC Section 10.02.455. shall ~~not be impounded nor confiscated.~~ A responsible person shall be responsible for removing the vehicle from the site of the infraction.

**SECTION 6. Effective Date.** This ordinance shall become effective immediately upon one month after passage by the City Council.

**PASSED AND APPROVED THIS 26<sup>th</sup> DAY OF SEPTEMBER 2006, BY A VOTE OF 4 IN FAVOR AND 3 OPPOSED.**

ATTEST:

  
R. Thor Williams, Mayor

  
Sandra Modigh, City Clerk