

Introduced by: Mayor Richard Robb
Introduction Date: October 11, 2016
Public Hearing: October 25, 2016
November 8, 2016
Action: Passed
Vote: 6-1

CITY OF BETHEL, ALASKA

Ordinance #16-31

An Operation of Snow Machines and ATV's on Bethel Roads

WHEREAS, snow machines are used by many people of Bethel for winter transportation, subsistence hunting and gathering, trapping;

WHEREAS, all-terrain Vehicles (ATVs) are used by many people of Bethel for year round low cost transportation, subsistence hunting and gathering;

WHEREAS, snow machines and ATVs are used by many members of neighboring communities to travel to and from Bethel for shopping, to receive health care, to visit, and other reasons;

WHEREAS, snow machines and ATVs are part of a way of life for many people of Bethel and our neighboring communities. They have been so since they first came to our community many years ago;

WHEREAS, there is a concern by all for public safety, and some operators of snow machines and ATVs do so in an unsafe manner;

WHEREAS, passed in September 2006, Ordinance 06-21 allowed for some reasonable requirements for operation of Snow machines and ATV's on City Streets;

WHEREAS, Ordinance 13-17, passed in June 2013, deleted most Bethel traffic laws and adopted state statute;

WHEREAS, an unintended consequence of Ordinance 13-17 was superseding operating requirements of snow machines and ATVs on city roads;

WHEREAS, from many locations and houses in Bethel, one cannot travel to/from a destination to/from a trail head without going on a city road, at least for a short distance.

WHEREAS, a total ban on operation of a snow machine or ATV on Bethel roads will negatively impact the way of life for many citizens of Bethel;

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WHEREAS, a total ban on operation of snow machines and ATVs on Bethel roads will negatively impact people from neighboring communities coming to Bethel for shopping and other services;

WHEREAS, a total ban on operation of snow machines and ATVs on Bethel roads will negatively impact our local economy, as the local economy is dependent upon visitors from neighboring communities;

NOW, THEREFORE BE IT ENACTED by the City Council of Bethel Alaska as follows:

SECTION 1. Classification. This ordinance is of permanent nature and shall be codified within the Bethel Municipal Code.

SECTION 2. Amendment: Bethel Municipal Code 10.03 is amended, new language is underlined, removed language is stricken.

10.03.10 Definitions.

- A. "All-Terrain Vehicle" (ATV) means a vehicle with three or more low-pressure, flotation-type tires, as designed by the manufacturer or altered, to be used as an off-road recreational vehicle. (AS 45.27.390)

- B. "Low-speed vehicles" means a motor vehicle that has four (4) wheels, that was manufactured to be capable of propelling itself and achieving a minimum speed of twenty (20) miles an hour.

- C. "Snow machines" means a motorized vehicle with a gross vehicle weight under 1,300 pounds propelled by a track system designed to move a person over snow or ice, and includes a snowmobile (AS 45.27.390).

~~10.03.010~~ **10.03.020 Operation of low speed vehicles.**

A. Low-speed vehicles are authorized within the city of Bethel, subject to the provisions of all state and municipal laws and ordinances.

B. Low-speed vehicles that operate or cross a city street or state highway may not be modified to have a maximum speed greater than twenty-five (25) miles per hour.

~~C. "Low speed vehicles" means a motor vehicle that has four (4) wheels, that was manufactured to be capable of propelling itself and achieving a minimum speed of twenty (20) miles an hour.~~

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Ø. C. Low-speed vehicles must meet weight, equipment, safety standards, vehicle registration and insurance requirements set by the Department of Motor Vehicles.

10.03.030 Operation of Snow Machines.

A. Snow machines are permitted to operate on city streets subject to following rules and regulations:

1. Snow machines must comply with all City of Bethel and State of Alaska traffic laws and ordinances.
2. Snow machines must be registered through the Division of Motor Vehicles and proof of registration must be displayed in the designated location on the vehicle.
3. Snow machines must have liability insurance, and proof of insurance must be presented upon demand.
4. While driving on a city road, snow machines
 - a. Must stay on the correct side of the lane of traffic, as far right as feasible, in the direction of traffic, except when crossing the road;
 - b. May not pass other moving vehicles;
 - c. May not weave in and out of traffic;
 - d. May not operate in any other manner that may be considered careless, reckless, or negligent.
5. The speed limit for a snow machine on a city road is 15 miles per hour.
6. The speed limit in a parking lot or an area congested with pedestrians is 5 miles per hour.

10.03.40 Operation of All Terrain Vehicles (ATVs)

A. ATVs are permitted to operate on city streets under the following conditions:

1. ATV's must comply with all City of Bethel and State of Alaska traffic laws and ordinances.
2. ATV's must be registered through the Division of Motor Vehicles and proof of registration must be displayed in the designated location on the vehicle.
3. Vehicles must have liability insurance, and proof of insurance must be presented upon demand.
4. While driving on a city road, ATV's:
 - a. Must stay on the correct side of the lane of traffic except when crossing the road;
 - b. May not pass other moving vehicles;
 - c. May not weave in and out of traffic;
 - d. May not operate in any other manner that may be considered careless, reckless, or negligent.
 - e. Must be under 1500 pounds (including cargo)
5. The speed limit for an ATV on a city road is 15 miles per hour.

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6. The speed limit in a parking lot or an area congested with pedestrians is 5 miles per hour.
7. The operator must have a valid driver's license.

10.03.050 Snow Machine and ATV Driver Qualifications-Minor Operators and Passengers

- A. Operators of ATVs and Snow machines on city roads must be 18 years of age or older unless:
1. The minor operator has a valid driver's license, or
 2. The minor operator is accompanied by a parent, legal guardian or other person at least twenty-one (21) years of age who possesses a valid Alaska driver's license within 100 feet or at a reasonable safe distance depending on the conditions of the terrain.
 3. Minor operators must travel the shortest reasonable distance along city roads to get to/from destination or a trail head.
 4. Minor(s) operators must wear approved helmets. Minors must wear a helmet which meets safety standards set by the Federal Motor Vehicle Safety Standards.

10.03.060 Penalties

Unless otherwise stated in Alaska statute, violations of this chapter are infractions subject to general penalties under Bethel Municipal Code section 1.08.010 General penalty.

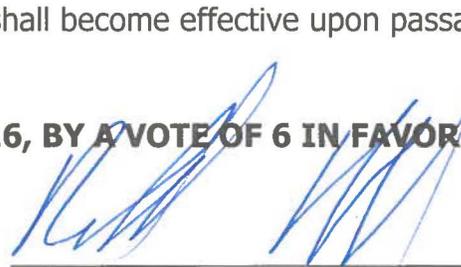
Violations of any portion of this Chapter is an infraction. Whenever a specific monetary penalty is not specified in Alaska Statutes, the penalty for these infractions is:

- A. A fine of twenty-five (\$25) Dollars for the first (1st) violation;
- B. A fine of fifty (\$50) Dollars for the second (2nd) violation or;
- C. A fine of one hundred (\$100) Dollars for a third (3rd) or subsequent violation.

SECTION 3. Effective Date. This ordinance shall become effective upon passage by the Bethel City Council.

ENACTED THIS 8 DAY OF NOVEMBER 2016, BY A VOTE OF 6 IN FAVOR AND 1 OPPOSED.

ATTEST:


Richard Robb, Mayor
Lori Strickler, City Clerk