

Code Ordinance

By: Public Works Director and City Clerk

Introduced: April 13, 2015

Public Hearing: April 27, 2015

Amended: April 27, 2015

Adopted: April 27, 2015

Vote: O'Barr, Sullivan-Leonard, Graham, Wall and Wilson in favor; Buswell opposed

**City of Wasilla  
Ordinance Serial No. 15-14(AM)**

**An ordinance of the Wasilla City Council amending Wasilla Municipal Code 10.12 in regard to Off Road Vehicles as a result of recommendations from the ATV Task Force.**

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

**Section 2. Amendment of chapter.** WMC 10.12, Off-road vehicles, is hereby amended to read as follows:

**10.12.010 Definitions.**

When used in this chapter, the following words and phrases shall have the meanings set forth in this section:

“Off-road vehicle.” ~~means any~~ **Any** vehicle not authorized for travel or operation on a public roadway according to state law or regulations.

“Property, public and private.” ~~means any~~ **Any** land owned, leased, rented or to which a person or persons have an interest including but not limited to:

- (1) Parking lots;
- (2) Easements;
- (3) Private and public rights-of-way;
- (4) Municipal, state and federal lands;
- (5) School grounds;
- (6) Parks and playgrounds;
- (7) Recreational areas;
- (8) Private property;
- (9) Golf courses;
- (10) Airports; and
- (11) Public facilities.

**10.12.020 Off-road vehicle operation.**

(A) **The operation of** ~~It is unlawful for any person to operate~~ an off-road vehicle in the city:

- (1) **Is allowed between the hours of 8 a.m. and 10 p.m.;**

**Underline and bold, added. Strikethrough, deleted**

(2) Is allowed on ~~On~~ private or public property without the express ~~or implied~~ consent of the owner, or his authorized agent or representative except the city streets' rights-of-way unless posted against the use of such vehicles;

(3) Is allowed within any rights-of way within city limits if the person holds ~~Without a valid driver's license if required by the state of Alaska; any government agency;~~

(4) Is not allowed on ~~On~~ a roadway or sidewalk unless such travel is necessary to go around an obstruction or for the purpose of crossing a roadway and only after coming to a complete stop and yielding to all pedestrian and vehicle traffic;

(5) Is not allowed in ~~In~~ such a manner as to produce sufficient noise to disturb the peace and quiet of another;

(6) Is not allowed on ~~On~~ or within twenty (20) feet, or as regulated by the Alaska Railroad, of any railroad track, except while crossing the tracks perpendicularly at a designated track crossing and only after coming to a complete stop and yielding to all rail traffic;

(7) Is not allowed while driving in a careless, reckless, or negligent manner so as to endanger the person or property of another, or to cause injury or damage to such person or property;

(8) Is not allowed in any rights-of-way within the city limits while towing a sled, toboggan, or other object, unless such object is attached to the off-road vehicle by a rigid bar and the towed object is equipped with a red reflector. ~~On the railroad right-of-way between twenty (20) and one hundred (100) feet from the railroad track except in areas which are permitted as street rights-of-way, and off of the roadway.~~

#### 10.12.030 Age.

(A) Persons ~~No person~~ under the age of sixteen (16) years of age shall not ride an off-road vehicle in any rights-of-way within the city limits ~~the right-of-way of any public roadway~~ unless:

(1) Accompanied by a parent or guardian or other person having the custody or control of the child, within 100 feet or at a reasonable safe distance depending on the conditions of the terrain; and ~~or~~

(2) The parent, guardian, or other person having the custody of or control of the child, holds a valid driver's license if required by the state of Alaska. ~~They have in their possession a valid motor-driven cycle permit issued by the state of Alaska.~~

#### 10.12.040 Helmets.

Persons operating ~~No person~~ shall be allowed to ride an off-road vehicle within the city must wear ~~without wearing~~ a helmet which meets safety standards set by the Federal Motor Vehicle Safety Standard 218 ~~state of Alaska.~~

Underline and bold, added. ~~Strikethrough, deleted~~

**10.12.050 Parental and guardian responsibility.**

(A) No parent, guardian, or other person having the custody or control of a child ~~When a person under the age of eighteen (18) years of age shall knowingly allow such child to act contrary to the provisions of this chapter. The presence of such child unattended in places and during the hours of allowable operation shall be prima facie evidence of a violation of the chapter by any parent, guardian, or other person having custody or control of the child.~~

(B) Offenders may be released to the control and custody of their parent, guardian, or other person having the custody or control of the child. A citation may be issued pursuant to Chapter 1.20, ~~violates any part of this chapter, his or her parent or guardian is also in violation if:~~

- ~~—A. The parent or guardian knowingly allows the violation to take place;~~  
or,  
~~—B. The parent or guardian fails to take reasonable precautions to prevent the violation.~~

**10.12.60 Speed limits.**

(A) When operating an off-road vehicle within the city, the speed limit shall be:

- (1) Five mph in a parking lot, business area, or when riding near pedestrian traffic; and
- (2) Ten ~~(10)~~ mph when while riding in any a rights-of-way within city limits ~~of a residential neighborhood or business area.~~

**10.12.070 Lawful operation - Police.**

Sections 10.12.010 through 10.12.060 shall not apply to police, public safety officers or their agents in the lawful performance of their duty.

**10.12.80 Equipment.**

(A) Off-road ~~No person may drive or operate an off-road vehicles operated within the city, must be unless the vehicle is~~ equipped with:

- (1) A headlamp, with the beam aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least ~~one hundred (100)~~ feet ahead during the hours of darkness. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming driver. This section applies to off-road vehicles originally equipped with headlights from the factory;
- (2) At least one rear lamp exhibiting a red light plainly visible from a distance of ~~five hundred (500)~~ feet to the rear during the hours of darkness;
- (3) Adequate brakes to control the movement of and to stop and hold the vehicle;

Underline and bold, added. Strikethrough, deleted

- (4) A current registration issued by the state of Alaska; and
- (5) Proof of current vehicle insurance to include liability for property damage.

**10.12.090 Towing.**

~~No person may operate an off-road vehicle in the Alaska Rail Road while towing a sled, toboggan, or other object, unless such sled, toboggan, or other object is attached to the off-road vehicle by a rigid bar and the towed object is equipped with a red reflector.~~

**10.12.100 Remedies, penalties and impoundment.**

(A) Remedies and penalties for violations of this chapter are as provided in Chapter 1.20.

(B) A person operating an ~~An~~ off-road vehicle in violation ~~or whose owner or operator is in violation of this chapter,~~ or as incident to an arrest or other situation where the vehicle may require protection, may be impounded immediately by a police officer or other authorized official. The vehicle **shall** ~~may~~ be released only upon proof of ownership, payment in full of **impoundment** ~~transportation~~ and storage charges, ~~and the position of a bond for court appearance when such bond is required.~~

**Section 3. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on April 27, 2015.

  
BERT L. COTTLE, Mayor

ATTEST:

  
KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

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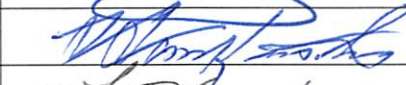
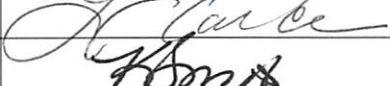
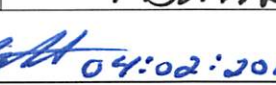
## CITY COUNCIL LEGISLATION STAFF REPORT

**Ordinance Serial No. 15-14: Amending Wasilla Municipal Code 10.12 in regard to Off Road Vehicles as a result of recommendations from the ATV Task Force.**

Originator: Public Works Director

Date: March 25, 2015

Agenda of: April 13, 2015

Route to:	Department Head	Signature	Date
X	Public Works Director		3/25/15
X	Finance Director		3/31/15
X	Deputy Administrator		4/1/15
X	City Clerk		4.1.15

Reviewed by Mayor Bert L. Cottle:

 04:02:2015Fiscal Impact:  yes  no

Account name/number:

Attachments: ATV Task Force Resolution and Findings (4 pages)

**Summary Statement:** The ATV Task Force held four public meetings from January 12, 2015 to March 12, 2015 to discuss whether or not ATV use should be banned from the city and what regulation changes should be implemented. The ATV Task Force has determined that ATV or Off Road Vehicle use can continue in a safe manner in the city limits with increased education, awareness and enforcement, and an improved trail system.

The ATV Task Force identified property damage, dust control and safety as the major concerns for city visitors and residents. The proposed code ordinance amending WMC 10.12 is intended to clarify current regulations to help the Police Department with enforcement, and to provide additional requirements to improve safety.

**Recommended Action:** Adopt Ordinance Serial No. 15-14.



# CITY OF WASILLA

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March 12, 2015

To: City Council

From: Hugh Towe II  
ATV Task Force Chairman

## TASK FORCE FINDINGS

The Wasilla ATV Task Force has completed its investigation of off-road vehicle use within the city limits that included discussions of the issues, causes and solutions. Participation by the Wasilla Police and Public Works Departments was valuable in the process. Overall it was determined that enforcement, awareness and proper trails were the largest topics to debate. Many ideas were presented and have been narrowed down to this recommendation: We can continue to safely have off-road vehicle use within the City of Wasilla.

The largest issues defined were property damage, dust and safety problems. According to the Police Chief, the primary offenders were teenagers. Most stops outside that age group were generally unaware of ordinances and found to be lawful once informed. The teenage group was more prone to evade the police. The task force and city representatives believe this group will be an issue regardless of ordinances changed. Chasing will continue to be a liability issue. ATV warnings and enforcement actions by the Police Department can now be tracked.

From past experience of police and general consensus, enforcement of existing ordinances and laws would be very beneficial in reducing problems to a minimal level. Some ordinance changes are recommended, but the existing laws are very good. While the ordinances are overly strict in some areas, it is felt that discretion by the police is the best way to handle situations with ordinances in place. Fines and impoundments are encouraged. As an example, the 10 mph speed limit is felt to be too slow, but responsible riders exceeding the limit (within reason) in a safe and responsible manner (riding safe, no dust, and no property damage) could be acceptable. For blatant abusers, the speed limit is a great tool for the police. Tough enforcement at the start of the season and at times of increased problems is deemed to be important. Attention to ATV's in Wasilla via the media and immediate stronger enforcement by the Police Department significantly reduced issues this past season.

While there are large gaps in official trail systems, there are plenty of non-official trails. The design and construction of improved trails north-south and east-west are encouraged. This would include a safe crossing at the Parks Highway, possibly at Church Road as part of the new Clapp-Mack extension to Knik-Goose Bay Road. All future road projects should include off-road vehicle trail planning along with bike paths to encompass the desires of all tax payers. The Clapp-Mack road project includes a trail and this is found to be great planning. If successful, applications of substances or types of materials used could reduce dust for a low cost. Access from neighborhoods to these future major trails is still an issue as ordinances do not allow a way to get to them. This is another area of discretion by the Police Department for responsible riders and something for future trail committees to consider. More signage along trails is needed where State laws will permit. These signs should be at the start, end, and along trails. Signs should also have maps of trails. No off-road vehicle use should be considered in the downtown boundaries of Lucille Street, Bogard Road-Nelson Avenue, Parks Highway, and Crusey Street. A clearer defined map, including what's allowed along the Railroad right-of-way should be provided on the City's website page for easier access.

Along with enforcement and police discretion, awareness of proper off-road vehicle use is needed. Media attention has always worked, but is not a sustainable method of awareness. Through a partnership with the Menard Center, AMMC, volunteers, and Team CC, off-road vehicle use certification and safety training can be provided. There could be a fee of \$25 for the class that is good for life, similar to State hunting education certification. This would be required (16 years of age plus) along with State vehicle registration and vehicle insurance to ride within city limits. There is potential for funding with this partnership for federal DUI/seat belt grants as well as Mat-Su Health Foundation grants. Parks and Recreation may have funding to assist as well. Advertisement of training and off-road vehicle use awareness could be accomplished via mailings, newspaper, website, school announcements, social media, radio (Mayor Minutes), and the School Resource Officer. The City should provide copies of the ordinances to dealerships as part of their vehicle sales. This awareness and training is expected to be highly successful.

Prepared By: Public Works  
Public Hearing: 03/12/15  
Adopted: 03/12/15

**ATV TASK FORCE  
RESOLUTION SERIAL NUMBER 15-01**

**A RESOLUTION OF THE WASILLA ATV TASK FORCE PROVIDING  
RECOMMEDATIONS TO THE CITY COUNCIL ON ATV USE WITHIN THE CITY.**

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WHEREAS, the Wasilla ATV Task Force was created on September 22, 2014 by the City Council through the adoption of Resolution Serial No. 14-34(AM); and

WHEREAS, the City Council approved the appointment of six members of the public to the task force on January 5, 2015 through the adoption of Action Memorandum No. 15-06; and

WHEREAS, the task force has concluded its business and determined that ATV use can continue within the city limits in a safe manner subject to the following recommendations within the Wasilla Municipal Code:

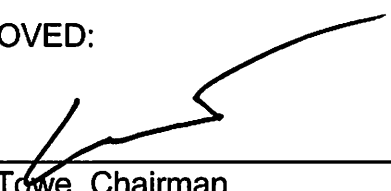
- WMC Section 10.12.020 – Part A, remove: “unless posted against the use of such vehicles”.
- WMC Section 10.12.020 – add a section for use only during the hours of 8:00 am to 10:00 pm.
- WMC Section 10.12.020 – add a section for reckless or unsafe behavior. Palmer code language: “In a careless, reckless, or negligent manner so as to endanger the person or property of another, or to cause injury or damage to such person or property.”
- WMC Section 10.12.020 – riders under 16 or not certified must be accompanied by certified rider within 100 feet or reasonable safe distance depending on conditions.
- WMC Section 10.12.040 – update to specific DOT/SNELL approved helmet.
- WMC Section 10.12.080 – Part A, add wording for machines originally equipped with headlights are required to have one instead of all machines. As an example, dirt bikes and smaller ATV's that do not come with headlights would be exempt.
- WMC Section 10.12.080 – Require State registration of the vehicle, Wasilla-certified safety training for ages 16 and older, and vehicle insurance for liability and property damage.
- WMC Section 10.12.100 – Possibly raise fines.



NOW THEREFORE BE IT RESOLVED that the Wasilla ATV Task Force hereby requests the Wasilla City Council consider adopting the recommendations presented herein, whether in part or in their entirety as modifications and additions to the Wasilla Municipal Code to improve ATV safety within the city limits.

APPROVED by the Wasilla ATV Task Force on March 12-, 2015.

APPROVED:

  
\_\_\_\_\_  
Hugh Towe, Chairman

\_\_\_\_\_  
Date

ATTEST:

  
\_\_\_\_\_  
Sandy Connolly, Task Force Clerk