



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091
PHONE: (907) 373-9050
FAX: (907) 373-9085

COUNCIL MEMORANDUM NO. 93-114

From: Mayor Stein
Date: November 23, 1993
Subject: Veto of Ordinance No. 93-54

I have vetoed Ordinance No. 93-54 as I indicated I would during the November 22 Council meeting. It is not in the best interests of the City to adopt a document which your City Attorney has clearly advised against and which could subject the City to not only unbudgeted management and enforcement costs but unnecessary liability as well.

I favor responsible use of snowmachines within the City. I favor adoption of a well-worded ordinance which allows for safe snowmachine routes, which separates motorized and non-motorized uses, which improves the safety of snowmachine highway crossings, which deals with youthful operators and which minimizes the negative impacts such as noise and reckless operation.

As proposed by Council, I wish to convene a snowmachine task force to review the ordinance and present it to Council at the earliest opportunity. My nominations for the task force include Councilwoman Sarah Palin, Parks and Recreations Commissioner Dale Gardner, retiring Deputy Administrator Bob Harris, City Attorney Richard Deuser and Mat-Su Motor Musers Safety Chairman Dale Sutter and snow machine enthusiast Bill Byers. Others may be included.

When presented to Council the revised ordinance will be accompanied by a fiscal note with estimates of any costs of administration and enforcement.

Again, the veto of this ordinance does not impact the present use of snowmachines in Wasilla. As in the past, they are allowed on City and State right-of-ways on the condition that they are three feet away from the road shoulder.



John C. Stein, Mayor



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VETOED
Signature
Nov 23, 1993
Date

ORDINANCE SERIAL NO. 93-54

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA REPEALING AND REENACTING CHAPTER 14.17 OF THE WASILLA MUNICIPAL CODE, OFF ROAD VEHICLES.

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

SECTION I. Classification. This is a code ordinance.

SECTION II. Purpose. To repeal Chapter 14.17 of the Wasilla Municipal Code in its entirety and reenact Chapter 14.17 as follows:

14.17.010 Definitions. For the purposes of this chapter the following terms are defined as follows;

- A. Off-road vehicle: Any motorized vehicle not authorized or licensed for travel or operation on the traveled portion of a street, road or highway by the State of Alaska or the Wasilla Municipal Code.
- B. Traveled portion of street, road or highway means that portion of the roadway maintained for and intended for use by vehicles licensed by the State of Alaska.
- C. Snowmachine: Any motorized vehicle that uses a continuous track for propulsion and skis for steering and is not licensed by the State of Alaska to operate on public roads.
- D. Public Right-of-Way: Publicly owned or publicly dedicated real property, other than the traveled portions of streets, roads and highways on which off-road vehicles may lawfully travel or operate.

14.17.015 Off Road Vehicle: General. The provisions of AS 05.30, AS 11.46.350(b) and Title 13 AAC 02.430 through 13 AAC 02.455 are hereby adopted and incorporated herein.

- A. Protective Helmet. Any person operating or riding on an off-road vehicle shall wear a protective helmet.
- B. Speed Limits: The following maximum speed limits shall apply to the operation of off-road vehicles unless the operator is a police officer in the performance of his duty.
 - a. 30 mph on any public right-of-way.
 - b. 40 mph on any lake or waterway unless participating in a racing event conducted under a permit issued by the City of Wasilla.
 - c. As posted on signs indicating authorized routes for off-road vehicles.

- d. Off-road vehicles shall not be operated on any portion of the public right-of-way when such right-of-way is signed or visually marked to indicate that off-road vehicles are prohibited.
- e. No off-road vehicle may tow a person or an object unless the person or the object are in a device designed for riding and a rigid bar connects the vehicle and the towed object.

14.17.020. Snowmachines.

A snowmachine may not be operated in the City of Wasilla on any pedestrian walkway, sidewalk or bike path unless the pedestrian walkway, sidewalk or bike path is specifically signed by the City of Wasilla as a designated snowmachine route, except that crossings of streets, roads, highways, sidewalks or bike paths may be made at 90 degree angles, and only if such crossing can be safely accomplished without interruption or interference with the lawful users of the streets, roads, sidewalks or bike paths. When operating on an authorized pedestrian walkway, sidewalk or bike path, operators of snowmachines shall travel in single file and may not pass another snowmachine moving in the same direction.

14.17.030. Parental Responsibility.

No parent or guardian may authorize or knowingly permit a child to violate any provision of this chapter.

14.17.040. Penalties

Notwithstanding the provisions of WMC 1.24, General Penalties, a person found by a law enforcement officer to have committed a violation of the provisions of this chapter may, at the discretion of the officer, be permitted to voluntarily place the off-road vehicle involved in the violation into temporary storage at the City storage yard. The length of temporary storage shall be a minimum of two weeks and a maximum of three months as determined by the officer. Persons electing to immediately place the vehicle into temporary storage as determined by the officer shall not be issued another police summons or citations for the same infraction. Once a vehicle is placed into storage, it will not be released until the time of storage as determined by the officer has passed.

SECTION III. Effective Date. This ordinance becomes effective upon adoption by the Wasilla City Council.

Introduction Date: 10/25/93

Public Hearing Date: 11/08/93

ADOPTED by the Council of the City of Wasilla on this 22nd day of November, 1993.

John C. Stein, Mayor

ATTEST:

Erling P. Nelson, CMC
City Clerk

[Handwritten Signature]
~~VETOED~~ Signature
Nov 23, 1993
Date