

CITY OF VALDEZ, ALASKA

ORDINANCE #21-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ,
ALASKA AMENDING CHAPTER 10.16 TITLED SNOWMOBILES

WHEREAS, on October 14, 2021, the Office of the Lieutenant Governor of Alaska filed a regulation that is to go into effect on January 1, 2022 which changes existing regulations dealing with ATVs and snowmobiles; and

WHEREAS, The State of Alaska empowered communities to either adopt the newly enacted regulation in full, to opt out, or to modify it; and

WHEREAS, administration recommends adoption of state regulations for all purpose vehicles with the modification that no person may drive an all-purpose vehicle on any public roadway where the designated maximum speed limit is greater than 35 miles per hour.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA that:

Section 1: Chapter 10.16 of the Valdez Municipal Code is hereby amended to read as follows:

Chapter 10.16

SNOWMOBILES AND ALL PURPOSE VEHICLES

Sections:

10.16.010 Definitions ~~Special rules for snowmobiles.~~

10.16.020 Special rules for snowmobiles.

10.16.030 Special rules for all purpose vehicles.

10.16.040 Fine schedule.

10.16.010 Definitions

For the purpose of this chapter, the following words and phrases shall have the following meanings:

“Snowmobile” means a self-propelled vehicle primarily designated or altered for travel on snow or ice when supported in part by skis, belts, or cleats; “snowmobile” does not include machinery used strictly for the grooming of trails or ski slopes.

“All-purpose vehicle” means any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground and is commonly used to transport persons for recreational purposes, including vehicles such as four-wheel drive units, all-terrain vehicles (ATVs), or utility terrain vehicles (UTV’S).

10.16.020 Special rules for snowmobiles.

A. Adoption of State Law. All provisions of Title 13, Alaska Administrative Code, and Alaska Statutes, Section ~~05.30.010~~ **28.39.010** et seq., regulating traffic and the operation of motor vehicles and snowmobiles ~~snow machines~~ upon streets or highways are adopted by reference, except that those regulations are not adopted by reference which by their nature can have no application or which conflict with the remainder of this section.

B. Operation.

1. **Snowmobiles** ~~Snow machines~~ may not be operated:

a. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person;

b. While under the influence of intoxicating liquor, narcotics or drugs;

c. To intentionally drive, chase, run over or kill any animal;

~~d. Within one hundred feet of any school or hospital, unless traveling directly to or from it;~~

~~d.e.~~ **d.e.** In any city-designated ski area;

~~f. On or within one hundred feet of any skating area or ice rink;~~

~~g. To transport weapons or other instruments used to hunt in other than an unloaded and enclosed condition;~~

~~e.h.~~ **e.h.** Without having such snowmobile ~~snow machine~~ registered as provided for in Section 28.39.010~~05.30.010~~ Alaska Statutes. Registration numbers shall be affixed on both sides of the cowling of the snowmobile ~~machine~~ and the numerals shall be identical to current state snowmobile ~~snow machine~~ registration decals.

2. Snowmobiles ~~Snow machines~~ may not be operated between the hours of eleven p.m. and six a.m., except on Friday and Saturday evenings when they may be operated until midnight.

3. No snowmobile ~~snow machine~~ shall be operated on private property without specific permission of the owner or other person having control of the property.

4. A person may not drive a snowmobile ~~snow machine~~ at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards existing at the time.

5. Snowmobiles ~~Snow machines~~ may be operated upon the streets and alleys of the city, and if so operated:

a. Shall be driven on the extreme right, in single file, and in accord with all motor vehicle regulations;

b. Shall not pass any other moving vehicle while going in the same direction upon city streets;

c. Shall yield right-of-way to all other motor vehicles.

C. Equipment. No person shall drive or operate a snowmobile ~~snow machine~~ unless the snowmobile ~~snow machine~~ is equipped with:

1. A motor vehicle or motorcycle headlamp with or without non-multiple beams so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead during hours of darkness under normal atmospheric conditions. Such headlamp shall be aimed so that glaring rays are not projected into the eyes of an oncoming driver;

2. At least one rear lamp continuously exhibiting a red light plainly visible from a distance of five hundred feet to the rear during hours of darkness under normal atmospheric conditions, plus an operational brake light on snowmobiles ~~machines~~ manufactured after January 1, 1977;

3. A return-to-idle spring in working order, capable of returning the snowmobile ~~snow machine~~ engine's carburetor to the closed position;

4. A rear snowflap of sufficient material to contain a cleat, if thrown from the track, installed in a permanent manner and held down so as to contain all debris at all speeds;

5. Stock exhaust mufflers in working order;

6. Adequate brakes to control the movement of and to stop and hold such vehicle under normal conditions of operation.

D. Towing. No person shall operate a snowmobile ~~snow machine~~ while towing a sled, toboggan or other object, or any person riding on the same unless such sled,

toboggan or other object is attached to the snowmobile ~~snow machine~~ by a rigid bar, and the towed object shall be equipped with red rear reflectors.

E. Protective Headgear. No person under the age of 18 shall operate or ride upon a snowmobile ~~snow machine~~ unless he is wearing a hard, protective headgear or helmet.

F. Effect of Regulations. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any provisions of this section.

G. Penalties and Impoundment. A person convicted of a violation of a provision of this section may be fined in accordance with the fine schedule set forth in Section 10.16.040 ~~a sum not to exceed three hundred dollars~~. In addition, the snowmobile ~~snow machine~~ operated by the alleged violator may be impounded during the period between apprehension and hearing. Release of the snowmobile ~~snow machine~~ shall follow the same procedure applied to impounded motor vehicles.

H. Motor Vehicle Operator's License. All drivers or operators of snowmobiles ~~snow machines~~ shall have in their possession a valid current motor vehicle operator's license while operating upon the city streets.

I. Horsepower Rating. No person shall operate any snowmobile ~~snow machine~~ upon any street of the city powered by an engine which is rated as delivering less than ten horsepower.

J. Limitation on Use of Streets. The use of the streets of the city by snowmobiles ~~snow machines~~ in accord with the terms of this section is limited to traveling from one place to another in the most reasonably direct route possible, and no person shall use the streets themselves for recreational purposes.

~~K. Definition. The term "snow machine" means and includes every motor-propelled device upon any combination of skis, skids, tracks, belts, cleats or low-pressure tires, designed to travel over ice or snow, in, upon or by which any person or property is or may be transported.~~

10.16.030 Special rules for all purpose vehicles.

A. Operation.

1. All purpose vehicles may not be operated:

a. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person;

b. While under the influence of intoxicating liquor, narcotics or drugs;

c. To intentionally drive, chase, run over or kill any animal;

d. In any city designated ski area;

e. On any public roadway where the designated maximum speed is greater than 35 miles per hour.

C. Authority. No driver of an all-purpose vehicle may travel on a public roadway where that travel is prohibited by a local law or ordinance enacted in accordance with AS 28.01.010.

D. Equipment. No person shall drive or operate an all-purpose vehicle unless the all-purpose vehicle is equipped with:

1. At least one headlight, aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions;

2. One red light, one stop-signal light and one red reflector, which must be mounted upon the rear or rear cowling of the vehicle. The lights must be visible from a distance of at least 1,000 feet to the rear. The reflector must be visible from a distance of at least 600 feet to the rear when directly in front of the lawful lower beams of the headlights on a motor vehicle other than a snowmobile or an off-highway vehicle;

3. Hand or foot controls equipped with a throttle or idle spring in good working condition which, when released will return the engine speed to idle, close the carburetor, and disengage the clutch;

4. Brakes which control the movement, stop, and hold the vehicle under normal driving conditions on any grade upon which it normally may be driven, and under all conditions of loading;

5. A carburetor intake, exhaust muffler, and an emission-control system in good working order. A muffler cutout, bypass, or other similar device are prohibited.

6. A rear flap of sufficient material, installed in a permanent manner and held down so as to contain all debris at all speeds.

D. Towing. No person shall operate an all purpose vehicle while towing a sled, toboggan or other object, or any person riding on the same unless such sled, toboggan or other object is attached to the all purpose vehicle by a rigid bar, and the towed object shall be equipped with red rear reflectors.

E. Protective Headgear. No person under the age of 18 shall operate or ride upon an all purpose vehicle unless he is wearing a hard, protective headgear or helmet.

F. Effect of Regulations. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any provisions of this section.

G. Penalties and Impoundment. A person convicted of a violation of a provision of this section may be fined in accordance with the fine schedule set forth in Section 10.16.040. In addition, the all purpose vehicle operated by the alleged violator may be

impounded during the period between apprehension and hearing. Release of the all purpose vehicle shall follow the same procedure applied to impounded motor vehicles.

H. Motor Vehicle Operator's License. All drivers or operators of all purpose vehicles shall have in their possession a valid current motor vehicle operator's license while operating upon the city streets.

10.16.040 Fine Schedule.

<u>MUNICIPAL CODE SECTION</u>	<u>OFFENSE DESCRIPTION</u>	<u>COURT APPEARANCE</u>	<u>PENALTY/FINE</u>
<u>10.16.020</u>	<u>Special rules for snowmobiles—first offense</u>	<u>Optional</u>	<u>\$50.00</u>
<u>10.16.020</u>	<u>Special rules for snowmobiles—second offense</u>	<u>Optional</u>	<u>\$100.00</u>
<u>10.16.020</u>	<u>Special rules for snowmobiles—third and subsequent offense</u>	<u>Optional</u>	<u>\$150.00</u>
<u>10.16.030</u>	<u>Special rules for all purpose vehicles—first offense</u>	<u>Optional</u>	<u>\$50.00</u>
<u>10.16.030</u>	<u>Special rules for all purpose vehicles—second offense</u>	<u>Optional</u>	<u>\$100.00</u>
<u>10.16.030</u>	<u>Special rules for all purpose vehicles—third and subsequent offense</u>	<u>Optional</u>	<u>\$150.00</u>

Section 2. This ordinance takes effect immediately upon passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this _____ day of _____, 2021.

CITY OF VALDEZ, ALASKA

Sharon Scheidt, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk

First Reading:
Second Reading:
Adoption:
Yeas:
Nays:
Absent:
Abstain:

APPROVED AS TO FORM:

Jake W. Staser, City Attorney
Brena, Bell, & Walker, P.C.