

CITY OF PALMER, ALASKA

ORDINANCE NO. 464

AN ORDINANCE ADOPTING CHAPTER 10.08--REGULATION OF OFF-HIGHWAY VEHICLES--OF THE PALMER MUNICIPAL CODE.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

Section 2. Severability. If any provisions of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. The following sections are hereby repealed and deleted in their entirety:

Section 10.04.040-Snow vehicles
Section 10.04.045-Off-highway vehicles

Section 4. Chapter 10.08--Regulation of Off-Highway Vehicles--is hereby adopted as follows:

CHAPTER 10.08 - REGULATION OF OFF-HIGHWAY VEHICLES

10.08.010 Definitions
10.08.020 Operational requirements
10.08.030 Equipment
10.08.040 Time restriction
10.08.050 Drivers license required
10.08.060 Towing
10.08.070 Parent, guardian or other person
10.08.080 Compliance with state law

10.08.010 Definitions. As used in this chapter:

A. "Off-highway vehicle" (O.H.V.) means any self-propelled vehicle when used for the purpose of recreational off-highway travel on land, snow, ice, and other natural terrain or a combination thereof, including but not limited to:

1. Any motorcycle or motor driven cycle which is designed for and generally and commonly used for off road recreational travel or any motorcycle when being used for such purpose.

2. Any snow machine or other vehicle which is designed for travel over snow or ice.

3. Any motor vehicle commonly referred to as a dune buggy, or all-terrain vehicle.

B. Off-highway vehicle does not include:

1. Any vehicle or implement used and manufactured for farming or agricultural purposes.

2. Any government-owned vehicles when duly used by the authorized State or U.S. Government Agency.

C. "Emergency" means a situation where there exists a substantial likelihood of serious harm to either property or persons, and conditions are such that it is impossible or highly impractical to use a car to accomplish the purpose for which the O.H.V. is being used.

D. "Operate" means to drive or be in actual physical control of an O.H.V.

E. "Operator" means every person who operates an O.H.V.

F. "Owner" means a person, other than a lienholder, having the property interest in or the title to an O.H.V., and is entitled to the use or possession thereof.

G. "Register" means the act of assigning a registration number to an O.H.V. as required by the Alaska Department of Public Safety.

10.08.020 Operation requirements. A. No person may drive, operate, stop or move an O.H.V. in the following ways or under the following circumstances which are declared to be unsafe and unlawful:

1. Upon a public way (including sidewalk, bike path, alley, highway, street, roadway, shoulder or median) within the city except to cross a public way, provided that such crossing is

(a) at an angle of approximately 90 degrees to the direction of the public way about to be crossed and at a place where no obstruction prohibits a quick and safe crossing and

(b) the O.H.V. is brought to a complete stop before crossing the shoulder or main-traveled way, and driver of the O.H.V. yields the right-of-way to all other traffic traveling on the public way about to be crossed;

provided this provision, PMC 10.08.020A1, does not apply to operation of an O.H.V. on the New Glenn Highway where, incidentally, State law applies.

2. On park land or the private property of another (to include without limitation, the Alaska Railroad) without the express permission to do so by the owner or occupant of the property. Such permission shall be in writing and carried by the O.H.V. operator and displayed upon demand to a peace officer or other appropriate authority.

3. 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.

4. While under the influence of intoxicating liquor, drugs, or a combination of intoxicating liquor and drugs.

5. To knowingly or intentionally chase, run over or kill any animal.

6. Without having such O.H.V. registered if required in accordance with the requirements of AS 05.30.010-.050 and .080, which are adopted by reference as if fully set forth herein. If the O.H.V. is a snow vehicle, in addition to displaying the numbered registration decals on each side of the cowling of the snow vehicle as required by AS 05.30.040(b), the registration certificate issued by the Alaska Department of Public Safety shall be affixed at all times to the main structural portion of the snow vehicle. This certificate shall be waterproofed or contained in a waterproofed device and protected from mutilation. The certificate shall be clearly legible and available at all times while the snow vehicle is in operation.

7. While transporting firearms or other weapons used for the purpose of hunting, in other than in an unloaded and encased condition when transporting a firearm and in other than an unstrung condition when transporting a bow.

B. Violation of Section 10.08.020A1, A2, A3, A4 or A5 is a public nuisance. An O.H.V. found to constitute a public nuisance under this chapter may be impounded immediately by the Police Department unless a reasonable and expeditious alternative to impoundment is readily apparent and available. The Police Department shall release an impounded O.H.V. only upon (1) proof of ownership, (2) payment in full by the owner of reasonable charges for storage and towing, unless the court affirmatively finds the officer issued the citation without probable cause, and (3) the posting of suitable bond, approved by a judge or magistrate of the district court as surety for court appearance when such bond is required. Nothing within this chapter shall be construed as limiting the power of a police officer or other authorized municipal official to impound an O.H.V. when the operator or owner of the machine has been arrested, and the impoundment is reasonably necessary to protect the O.H.V. from theft, damage, vandalism or similar circumstances; or, to impound an O.H.V. solely by its definition as a public nuisance under this chapter.

C. Nothing in this chapter shall be construed to prohibit the operation of an O.H.V. by a person for an emergency purpose only; by a police officer or other public official in the furtherance of his or her lawful and official duties; by a city agency or public utility or any authorized contractor of either for the purpose of maintaining any public utility or conducting lawful construction activities; or by an organization conducting an off road competitive event, provided that such event meets the criteria set forth in this chapter for such events and that such event has been authorized by the city manager having such authority.

10.08.030 Equipment. No person may drive or operate an O.H.V. unless the O.H.V. is equipped with:

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A. A headlamp, with or without multiple beams so 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. Such headlamp shall be so aimed that glaring rays are not projected in to the eyes of any oncoming driver.

B. At least one rear lamp exhibiting a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.

C. A return-to-idle spring in working order capable of returning the O.H.V. engine's carburetor to the closed position.

D. If the O.H.V. is a snow vehicle, a rear snowflap of sufficient material to contain a cleat, if thrown for the track, installed in a permanent manner and which shall be held down so as to contain all debris at all speeds.

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

F. Standard mufflers for production models in operating condition which are properly attached, and no person may use a muffler cutout, bypass, or similar device on the vehicle.

10.08.040 Speed and time restrictions. A. No person may drive or operate an O.H.V. in the city in excess of ten miles per hour (10 mph).

B. No person may drive or operate the engine of any O.H.V. within the city between the hours of 10:00 p.m. and 7:00 a.m., unless such operation is required for emergency purposes or is in an area not a business or residential district, and does not interfere with the sleep, work or reasonable right to peace or privacy of any person.

10.08.050 Driver's license required. A. An operator of an O.H.V. shall be required to have a valid current motor vehicle operator's license or permit, or be accompanied by a licensed driver who is occupying a seat in or on the O.H.V. provided that such O.H.V. is equipped with a seat that is designed for carrying passengers.

B. The provisions of this section shall not apply to the operation of an O.H.V. on the private property of the owner.

10.08.060 Towing. No person may operate an O.H.V. while towing a sled, toboggan or other object, unless such sled, toboggan or other object is attached to the O.H.V. by a rigid bar and the towed object is equipped with a red reflector.

10.08.070 Parent, guardian or other person responsible. A. It is unlawful for a parent or guardian of any person under 18 years of age to authorize or knowingly permit that young person to violate any provision of this chapter.

B. It is unlawful for the owner or person in possession of any O.H.V. to authorize or knowingly permit any other person who is under the age of 18 years to use such O.H.V. in violation of any provision of this chapter.

10.08.080 Compliance with state law. All provisions of Title 13 of the Alaska Administrative Code and AS 28 regulating traffic and the operation of motor vehicles upon streets shall apply to the operation of an O.H.V. in the city, except for those relating to required equipment, and except for those which by their nature can have no application. Except as provided in this section, the driver or operator of an O.H.V. shall comply with all traffic rules and regulations governing motor vehicles and their equipment.

Section 5. Rules adopted under Ordinance 171 are hereby repealed.

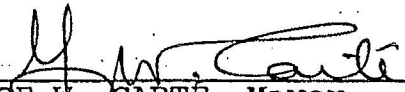
Section 6. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption. Publication shall be by making copies available to the public, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. Publication may also be made by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its adoption. A notice of public hearing shall be given by such posting at least five (5) days before final passage.

First Reading: August 10, 1993

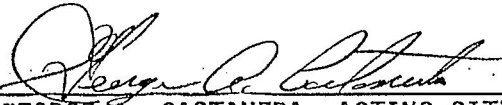
Public Hearing &
Second Reading: August 24, 1993/September 14, 1993

Public Hearing &
Third Reading: December 14, 1993

Adopted by the City Council of the City of Palmer, Alaska, this 14th day of December, 1993.



GEORGE W. CARTE, Mayor



GEORGE A. CASTANEDA, ACTING CITY CLERK