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| TRANSMITTAL MEMORANDUM |
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TO: The Honorable Mayor and City Council

FROM: Lacey G. Simpson, Acting City Manager

DATE: December 7, 2021

RE: **Ordinance No. 21-1939 – Adding A New Chapter 10.22 Entitled “Snow Machines And Other All-Purpose Vehicles” To Title 10 Of The Ketchikan Municipal Code; And Establishing An Effective Date**

Effective January 1, 2022 Governor Dunleavy’s administration has approved the use of all-purpose vehicle (APVs) on state roads with speed limits of 45 miles per hour or less. The enacted regulation allows for municipalities to opt out or restrict the use of the APV’s within its boundaries.

The attached ordinance was prepared by City Attorney Mitch Seaver, who requested that it be placed before the City Council at its meeting of December 16, 2021. If adopted by the City Council, Ordinance No. 21-1939 provides for amending the Ketchikan Municipal Code by adding a new chapter 10.22 entitled “Snow Machines and Other All-Purpose Vehicles.” While APVs and snow machines have their place in interior and remote areas of Alaska, their use does not make sense in the urban environment of downtown Ketchikan.

Due to numerous safety and enforcement concerns, the City Manager’s office endorses the creation of this ordinance. Of primary concern are the following issues:

- APVs and other similar vehicles are not equipped with enough safety equipment including personal restraints and adequate directional lighting.
- If APVs and snow machines are allowed to operate on roadways, they must be regulated like other vehicles: registered, insured, licensed drivers, etc.
- Tickets would be issued for vehicle parking violations to regulate available premium on-street parking. This would need to apply to snow machines and APVs.
- The addition of APVs puts our citizens and seasonal visitors at increased risk on congested municipal roadways, which are at capacity during the summer months.

A motion has been prepared for City Council consideration.

RECOMMENDATION

It is recommended that the City Council adopt the motion approving in first reading Ordinance No. 21-1939 adding a new chapter 10.22 entitled “Snow Machines and Other All-Purpose Vehicles” to title 10 of the Ketchikan Municipal Code; and establishing an effective date.

Recommended Motion: I move the City Council approve in first reading Ordinance No. 21-1939 adding a new chapter 10.22 entitled “Snow Machines and Other All-Purpose Vehicle” to title 10 of the Ketchikan Municipal Code; and establishing an effective date.



KETCHIKAN POLICE DEPARTMENT

361 Main Street
Ketchikan, Alaska 99901
Phone (907) 225-6631
Fax (907) 247-6631

TO: Lacey Simpson, Acting City Manager
FROM: Eric Mattson, Acting Police Chief
DATE: December 6, 2021
RE: All-Purpose Vehicles (APVs) on state roads

The purpose of this memo is to address concerns from a decision made by Governor Mike Dunleavy's administration to allow all-terrain vehicles to drive on state roads with speed limits of 45 miles per hour or less, starting on January 1, 2022. The regulation change allows local governments to opt out or restrict the use of All Terrain Vehicles (ATVs) in their boundaries.

I have discussed the regulation change with City Attorney Mitch Seaver and we agree the use of these machines are not currently allowed to operate on public streets inside the City of Ketchikan and should remain that way regardless of the state's decision to allow their use on state roads.

I have attached the proposed ordinance (Ordinance No. 21-1939) drafted by Mr. Seaver for your consideration and recommend the city council consider passing this ordinance.

THE CITY OF KETCHIKAN, ALASKA

ORDINANCE NO. 21-1939

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA; ADDING A NEW CHAPTER 10.22 ENTITLED “SNOW MACHINES AND OTHER ALL-PURPOSE VEHICLES” TO TITLE 10 OF THE KETCHIKAN MUNICIPAL CODE; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, AS FOLLOWS:

Section 1: New Chapter. A new chapter, to be numbered 10.22, entitled “Snow machines and Other All-Purpose Vehicles,” is added to Title 10, Vehicles and Traffic, of the Ketchikan Municipal Code, to read as follows:

“ **Chapter 10.22**

Snow Machines and Other All-Purpose Vehicles

Sections:

- 10.22.010 Definitions
- 10.22.020 Applicability of regulations; parental responsibility
- 10.22.030 Riding on snow machines and other all-purpose vehicles
- 10.22.040 Operation on highways and other locations
- 10.22.050 Fine Schedule

10.22.010 **Definitions.** For purposes of this chapter the following definitions shall apply:

“All-purpose vehicle” means any self-propelled vehicle designed primarily for cross-country travel on land, or on more than one type of terrain, and steered by wheels,

treads, skis, or any combination thereof, including vehicles commonly known as all-terrain vehicles, all-season vehicles, and utility terrain vehicles;

“Snow machine” means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats;

10.22.020 Applicability of regulations; parental responsibility. (a) No parent or guardian may authorize or knowingly permit a child to violate a provision of this chapter.

(b) Every person operating a snowmachine or other all-purpose vehicle upon a highway has the rights and is subject to the duties applicable to the driver of any other vehicle under this chapter, except as otherwise provided in this chapter, and except as to those provisions of this chapter which by their nature have no application.

10.22.030 Riding on snow machines and other all-purpose vehicles. A person driving a snow machine or other all-purpose vehicle may ride only on a permanent seat attached to the vehicle; no snow machine or other off-highway vehicle, when driven on a highway, may be used to carry persons other than the driver, unless the vehicle is designed and equipped with a seat for a passenger.

10.22.040 Operation on highways and other locations. (a) A snow machine or an all-purpose vehicles may be driven on a roadway or shoulder of a highway only under the following circumstances:

(1) when crossing a highway as provided in (b) of this section, or when traversing a bridge or culvert on a highway, but then only by driving at the extreme right-hand edge of the

bridge or culvert and only when the traverse can be completed with safety and without interfering with other traffic on the highway;

(2) when use of the highway by other motor vehicles is impossible because of snow or ice accumulation or other natural conditions or when the highway is posted otherwise designated as being open to travel by all-purpose vehicles;

(3) when driven on the right-of-way of a highway which is not a controlled-access highway, outside the roadway or shoulder, and no closer than three feet from the nearest edge of the roadway; night driving may be only on the right-hand side of the highway and in the same direction as the highway motor vehicle traffic in the nearest land of the roadway; no person may drive an all-purpose vehicle within the area dividing the roadways of a divided highway, except to cross the highway as provided in (b) of this section or;

(4) when the snow machine or all-purpose vehicle is a government operated vehicle used for official business;

(5) when highway driving is authorized by a permit issued by the city manager for a special event, but only in accordance with restrictions which may be imposed by such permit with regard to highway use;

(b) A snow machine or an all-purpose vehicle may make a direct crossing of a highway if;

(1) visibility along the highway in both directions is clear for a sufficient distance to assure safety, and the crossing can be completed safely and without interfering with other traffic on the highway; and

(2) the vehicle is brought to a complete stop before crossing the shoulder or roadway, and the driver yields the right-of-way to all traffic on the highway.

(c) No snow machine or other all-purpose vehicle may cross or travel on a sidewalk, a location intended for pedestrian or other non-motorized traffic, an alley, or a vehicular way or area which

is not open to snow machine or all-purpose vehicle operation except as provided in (b) of this section.

10.22.050 **Fine schedule.**

Pursuant to KMC 1.02.110, the following fine schedule is established for violation of this chapter. In accordance with AS 29.05.151(a), citations for the following offenses may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment to the city of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and 29.25.074. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. If an offense in this chapter is not listed on the fine schedule, the defendant must appear in court to answer to the charges. These fines may not be judicially reduced.

| <u>Section</u> | <u>Fine</u> |
|-----------------------|--------------------|
| 10.22.030 | \$ 75 |
| 10.22.040(a) | \$ 50 |
| 10.22.040(b) | \$ 50 |
| 10.22.040(c) | \$ 100 |

Section 2: Effective Date. This ordinance is effective one (1) month after its final

passage and publication.

PASSED ON FIRST READING _____.

FINAL PASSAGE _____.

Dave Kiffer, Mayor

ATTEST:

Kim L. Stanker
City Clerk

FYI: Bracketed language is intended to be removed from the existing ordinance, and underlined language in bold type is intended as an addition to the existing Ketchikan Municipal Code.

| EFFECTIVE DATE: * | | | |
|-------------------|-----|-----|--------|
| ROLL CALL | YEA | NAY | ABSENT |
| BRADBERRY | | | |
| FLORA | | | |
| GAGE | | | |
| GASS | | | |
| KISTLER | | | |
| MAHTANI | | | |
| ZENGE | | | |
| MAYOR | | | |