

Introduced by: Council Member Henderson  
Introduction Date: January 25, 2022  
Public Hearing: February 8, 2022  
Public Hearing: March 22, 2022  
Public Hearing: April 26, 2022  
May 24, 2022  
Action: Passed  
Vote: 6-0

## CITY OF BETHEL, ALASKA

### Ordinance #22-02

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BMC 10.03.040 GOVERNING THE OPERATION OF ALL TERRAIN VEHICLES (ATVs) ON PUBLIC ROADWAYS WITHIN THE CITY OF BETHEL**

**WHEREAS**, the State of Alaska has enacted the Alaska Uniform Traffic Laws Act at AS 28.01.010-020;

**WHEREAS**, pursuant to AS 28.01.010(a), the Alaska Uniform Traffic Laws Act and any regulations adopted under Title 28 apply within all municipalities of the state, and a municipality may not enact an ordinance that is inconsistent with the provisions of Title 28 or the regulations adopted under it;

**WHEREAS**, AS 28.01.010(b) provides that, "notwithstanding" AS 28.01.010(a), "a municipality may enact necessary ordinances to meet specific local requirements.";

**WHEREAS**, in 2013, under BMC 10.01.010, the City adopted "all statutes and regulations of the state of Alaska, as they presently exist and as they may be revised in the future, relating to motor vehicles offenses, as the traffic code for the city."

**WHEREAS**, on October 14, 2021, the State of Alaska, Department of Public Safety adopted new regulations, effective January 1, 2022, governing the use of ATVs and snowmachines on "public roadways";

**WHEREAS**, the new state regulations at 13 AAC 02.325(g) provide that "[n]o person may drive an all-purpose vehicle on any public roadway where the designated maximum speed is greater than 45 miles per hour.";

**WHEREAS**, the new state regulations at 13 AAC 02.482(c) provide that "[n]o 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";

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**WHEREAS,** state regulations at 13 AAC 02.280 permit a municipality to determine reasonable and maximum speed limits on any part of the state or municipal highway system and post notice of same;

**WHEREAS,** the new state regulations at 13 AAC 40.010(a)(67) includes ATVs in its definition of "all purpose vehicle," but do not define "public roadway;"

**WHEREAS,** the City contains numerous "public roadways," some owned by the State and some by the City and further prohibits the use of all-terrain vehicles on Chief Eddie Hoffman Highway ~~and Akakeek;~~

**WHEREAS,** based on the foregoing and its general broad municipal powers, the City Council has the authority to proscribe speed limits for ATVs on all public roadways, regardless of state or city ownership, within the municipality; and;

**WHEREAS,** the City Council finds it necessary, in the interest of public safety, to exercise its authority to limit the speed of ATVs on all public roadways within city limits to fifteen (15) miles per hour.

**NOW, BE IT ORDAINED,** the City Council amends the Bethel Municipal Code 10.03.040 by amending the language regarding operation of ATVs.

**SECTION 1. Classification.** This is a Codified Ordinance and shall become part of the Bethel Municipal Code.

**SECTION 2. Amendments.** Bethel Municipal Code 10.03.040 is amended as follows: (new language is underlined and old language is stricken):

**10.03.040 Operation of all-terrain vehicles (ATVs).**

A. ATVs are permitted to operate on ~~city streets~~ a public roadway within city limits ~~except on Chief Eddie Hoffman Highway and Akakeek;~~ under the following conditions:

1. Except as otherwise provided in this section, ATVs must comply with all city of Bethel and state of Alaska traffic laws and ordinances.
2. ATVs must be registered through the Division of Motor Vehicles and proof of registration must be displayed in the designated location on the vehicle.
3. Vehicles must have liability insurance, and proof of insurance must be presented upon demand.
4. While driving on a ~~city road~~ public roadway within city limits, ATVs:
  - a. Must stay on the correct side of the lane of traffic except when crossing the road;

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- b. May not pass other moving vehicles;
- c. May not weave in and out of traffic;
- d. May not operate in any other manner that may be considered careless, reckless, or negligent;
- e. Must be under one thousand five hundred (1,500) pounds (including cargo).
- f. Must wear a helmet when operating an ATV.
- g. Must not carry passengers unless the ATV was designed by the manufacturer to carry passengers.


~~5. The Notwithstanding any other posted speed limit, the speed limit for an ATV on a city road a public roadway within city limits is fifteen (15) miles per hour.~~

65. The speed limit in a parking lot or an area congested with pedestrians is five (5) miles per hour.

76. The operator must have a valid driver's license. [Ord. 16-31 § 2.]

**SECTION 3. Effective Date.** This ordinance shall become effective upon adoption by the City Council.

**ENACTED THIS 24<sup>th</sup> DAY OF 2022, BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.**

  
\_\_\_\_\_  
Mark Springer, Mayor

ATTEST:

  
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Lori Strickler, City Clerk