

NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF THE DEPARTMENT OF PUBLIC SAFETY

Dunleavy to allow ATVs & Other All-Purpose Vehicles on State Roads, starting Jan. 1

Tonight we will address...

1. Review Unalaska Code
2. Overview of Changes at State Level
3. Options for Council Consideration

City of Unalaska Ordinance

14.08.020 OFF ROAD VEHICLE OPERATION

- ▶ It shall be unlawful to operate an off-road vehicle in the City of Unalaska:
 - ▶ (A) On private property owned by a person other than the driver without having the written consent of the owner of the property in the driver's possession.
 - ▶ (B) On public property which has not been officially designated as an area for off-road vehicle operation.
 - ▶ (C) On a sidewalk or trail designed and maintained for non-motorized travel.
 - ▶ (D) Repealed.
 - ▶ (E) In such a manner as to throw or scatter debris or other material onto:
 - ▶ (1) Any improved real property;
 - ▶ (2) Any sidewalk;
 - ▶ (3) Any paved driveway; or
 - ▶ (4) Any paved highway.

City of Unalaska Ordinance

14.08.020 OFF ROAD VEHICLE OPERATION

(continued)

- ▶ (F) On a highway, or sidewalk, unless such travel is necessary for the purpose of directly crossing, at approximately a ninety degree angle, from one area of lawful operation to another, after coming to a complete stop and yielding to all pedestrians or other traffic.
- ▶ (G) Between the hours of 10:00 p.m. and 8:00 a.m.
- ▶ (H) This section shall not apply to an employee of a municipal or state law enforcement agency while in the performance of the employee's official duties.

(Am. Ord. 2016-02, passed 2-23-16)

OVERVIEW OF CHANGES TO AAC

- ▶ The State of Alaska is changing regulations to allow ATVs and Other All-Purpose Vehicles on roadways with limits of 45 mph or less
 - ▶ (1) 13 AAC 02.325 is proposed to be amended by adding a new subsection to allow a snowmobile or (since change to still prohibit) all-purpose vehicle on roads with maximum speed of 45 mph or less.
 - ▶ (2) 13 AAC 02.455 is proposed to be amended by removing “snowmobile” to remove the prohibition of use on roadways. (since change to still prohibit)
 - ▶ (3) 13 AAC 02.482 is proposed to be amended by adding a new subsection to allow municipalities to prohibit a snowmobile or (since change to still prohibit) all-purpose vehicles from using roadways.
 - ▶ (4) 13 AAC 04.400 is proposed to be amended by adding the term “all-purpose vehicle”.
 - ▶ (5) 13 AAC 04.010 proposed to be amended by defining “all-purpose vehicle”.

13 AAC 02.325. Special speed limitations

- ▶ (a) No person may drive a motor-driven cycle when lights are required to be turned on as prescribed under [13 AAC 04.010](#) at a speed greater than allowed by the intensity of the headlights as provided by [13 AAC 04.320](#).
- ▶ (b) No person may drive a vehicle which is towing a mobile home at a speed greater than 45 miles per hour.
- ▶ (c) No person may drive a vehicle equipped with lighted headlights described in [13 AAC 04.020\(g\)](#) at a speed greater than is reasonable and prudent under the conditions specified in [13 AAC 04.010](#).
- ▶ (d) No person may drive a vehicle at a speed in excess of 20 miles per hour when passing a marked public school or playground crosswalk that is posted with an official school, school crossing or speed-control sign. The speed zone at the crosswalk extends 300 feet in either direction from the marked crosswalk.
- ▶ (e) No person may drive a vehicle passing a school bus displaying alternately flashing yellow lights as provided in [13 AAC 04.097\(b\)](#) at a speed greater than 20 miles per hour.
- ▶ (f) No person may drive a vehicle or a combination of vehicles over a bridge or other elevated structure or through a tunnel or underpass constituting a part of a highway, ferry facility or city street at a rate of speed or with a gross weight or of a size which is greater than the maximum speed or maximum weight or size designated by an official traffic-control device.

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13 AAC 02.455. Operation on highways and other locations

- ▶ (a) A snowmobile or an off-highway vehicle may be driven on a roadway or shoulder of a highway only under the following circumstances:
 - ▶ (1) when crossing a highway as provided in (f) 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 or otherwise designated as being open to travel by off-highway vehicles;
 - ▶ (3) when highway driving is authorized by an authority having jurisdiction over the highway, but only in accordance with restrictions which may be imposed by that authority with regard to highway use; or
 - ▶ (4) 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 lane of the roadway; no person may drive an off-highway vehicle within the area dividing the roadways of a divided highway,

13 AAC 02.455. Operation on highways and other locations

- ▶ (b) - (e) Repealed 6/28/79.
- ▶ (f) A snowmobile or an off-highway vehicle may make a direct crossing of a highway if
 - ▶ (1) the crossing is made approximately at a right angle to the highway and at a location where 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.
- ▶ (g) No snowmobile or other off-highway vehicle may cross or travel on a sidewalk, a location intended for pedestrian or other nonmotorized traffic, an alley, or a vehicular way or area which is not open to snowmobile or off-highway vehicle operation, except as provided in (f) of this section.

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13 AAC 02.482. Limited use of vehicular ways and areas

- ▶ (a) No pedestrian, rider of a bicycle, or driver of a vehicle may travel on a vehicular way or area as defined in [13 AAC 40.010](#) when it is designated for use by a different mode of travel than that used by the pedestrian, rider of a bicycle, or driver of a vehicle.
- ▶ (b) A driver of a non-motorized vehicle traveling upon a vehicular way or area shall, regardless of whether an official traffic-control device is present, yield the right-of-way in the manner specified in sec. 130(c) of this chapter to any traffic using a roadway, driveway, or vehicular way or area on which motor vehicle traffic is authorized.

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13 AAC 04.400. Lights and reflectors

- ▶ (a) A snowmobile or other off-highway vehicle which is driven during the times when lights are required by sec. 10 of this chapter must be equipped with at least one headlight, aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead under normal atmospheric conditions.
- ▶ (b) A snowmobile or other off-highway vehicle must be equipped with 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 1000 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.

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- ▶ The State of Alaska is changing regulations to allow ATVs and Snowmobiles on roadways with limits of 45 mph or less
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 - ▶ (5) 13 AAC 04.010 proposed to be amended by defining “all-purpose vehicle”.

13 AAC 04.010. When lights are required

- ▶ (a) Every vehicle traveling on a highway or other vehicular way or area within the state must illuminate lights
 - ▶ (1) between one half hour after sunset and one half hour before sunrise; or
 - ▶ (2) at any other time when, because of insufficient light or other atmospheric conditions, persons or vehicles on the highway are not clearly discernible at a distance of 1000 feet.
- ▶ (b) Stop lights, turn signals, and other signaling devices must be illuminated as required by this chapter.
- ▶ (c) Every vehicle traveling on a highway or vehicular way or area must illuminate lights when traveling on any roadway that is posted with signs requiring the use of headlights.
- ▶ (d) For the purposes of (c) of this section, lights include low intensity headlights and daytime running lamp devices that meet the standards in 49 C.F.R. 571 (revised as of August 29, 1996), if the headlights are not otherwise required under (a)(1) or (2) of this section.

Vehicles eligible under the new rules must follow certain guidelines:

- ▶ All-purpose vehicles must have a headlight, a rear-facing red light, a rear-facing red reflector and a rear-facing red brake light. The vehicle must have brakes, a muffler, carburetor and throttle.
- ▶ Drivers must have a valid driver's license and insurance but don't have to wear a helmet. Passengers need to wear helmets.
- ▶ If the vehicle has seatbelts, they must be used, and any vehicle with seatbelts must use a child seat when carrying a child young enough.
- ▶ The vehicle must be registered and have license plates.

City Council Options

Option 1:

Keep Existing Ordinance

- ▶ May draft and present an Ordinance to add clarity (Draft attached)
- ▶ Off-Road vehicles are prohibited on public roadway
- ▶ Off-road vehicles are allowed on private property with limitations
 - ▶ Owner permission
 - ▶ Time restrictions

Option 2:

Adopt the SOA's New Approach

- ▶ Allow all-purpose vehicles to be driven on the roadway
 - ▶ (this new term is used to refer to off-road or ATV's)
- ▶ Allow ATV's to be driven on the roadway
- ▶ Maintain restriction for snowmobiles and hovercraft

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2022-__

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING TITLE 14 OF THE UNALASKA CODE OF ORDINANCES REGULATING THE USE OFF-ROAD VEHICLES WITHIN CITY LIMITS

WHEREAS, beginning in 2022, state regulations will permit all-purpose vehicles to operate on public roadways where not prohibited by local law or ordinance; and

WHEREAS, the City has determined the safety of the citizens of Unalaska is best served by not allowing off-road or all-purpose vehicles on its roadways; and

WHEREAS, the City currently prohibits off-road vehicles; and

WHEREAS, limited amendments to the current Unalaska Code of Ordinances are necessary to remove ambiguity or potential conflict with the new state regulations.

NOW THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF UNALASKA, as follows:

Section 1: Classification. This is a Code Ordinance.

Section 2: Subsection 14.04.010(M) of the Unalaska Code of Ordinances is hereby amended to read as follows [~~striking through the deleted words and~~ underlining the new words]:

(M) “OFF ROAD VEHICLE” means any self-propelled vehicle designed primarily for recreational off-highway travel on land, snow or water, or on more than one type of terrain, steered by wheels, treads, skis, or any combination thereof, including vehicles commonly known as snow machines, all-terrain vehicles (ATVs), utility terrain vehicles (UTVs) or all-purpose vehicles (APVs). ~~means any vehicle that is being operated off a highway~~

Section 3: Subsection 14.08.020 (B) of the Unalaska Code of Ordinances is hereby amended to read as follows [~~the new words are~~ underlined]:

It shall be unlawful to operate an off-road vehicle in the City of Unalaska:

(B) On public property which has not been officially designated by the City as an area for off-road vehicle operation.

Section 4: Effective Date. This ordinance shall take effect upon adoption.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on _____, 2022.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

DRAFT