

Requested by: Police Chief
Introduced: March 20, 2006
Public Hearing: April 10, 2006
Postponed on April 10, 2006 to May 8, 2006
Adopted: May 8, 2006
Vote: Ewing, Menard, Metiva, O'Neil & Straub in favor; Cox opposed

**CITY OF WASILLA
ORDINANCE SERIAL NO. 06-09**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 10.12.030,
AGE IN REGARD TO RIDING OFF-ROAD VEHICLES.**

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Amendment of section.** WMC 10.12.030, Age, is amended to read as follows:

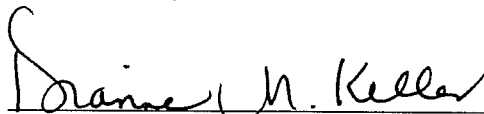
A. No person under the age of sixteen (16) years shall ride an off-road vehicle in the right-of-way of any public roadway unless:

1[A]. Accompanied by a parent or [RESPONSIBLE] guardian; or

2[B]. They have in their possession a valid motor driven cycle permit issued by the state of Alaska.

* **Section 3. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council on May 8, 2006.



DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE SMITHERS, MMC
City Clerk

[SEAL]

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

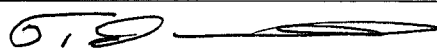
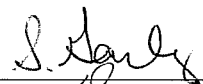
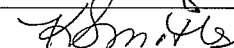


**CITY OF WASILLA
LEGISLATION STAFF REPORT**

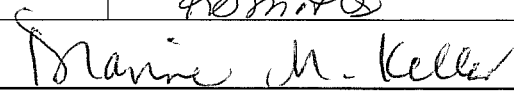
RE: Ordinance 06-09 – response to council questions

Agenda of:
Originator: Don Savage, Chief of Police

Date: April 27, 2006

Route to:	Department	Signature/Date
X	Police Chief Youth Court, Dispatch, Code Compliance	
	Culture and Recreation Services Director Library, Museum, Sports Complex	
	Public Works & Recreation Facility Maintenance Director	
X	Finance, Risk Management & MIS Director Purchasing	
X	Deputy Administrator Planning, Economic Development, Human Resources	
X	City Clerk	

REVIEWED BY MAYOR DIANNE M. KELLER:



FISCAL IMPACT: yes\$ or no

Funds Available yes no

Account name/number:

Attachments:

SUMMARY STATEMENT:

The following questions relating to Ordinance 06-09 were given to the Police Department by the Wasilla City Council on April 10, 2006:

1. Define the resources needed by the Police Department to enforce laws regarding off-road vehicles.

Response: With the current codes and the existing level of enforcement WPD requires no additional resources. If the council desires a higher level of enforcement or significant changes in the current codes relating to off-road vehicles the WPD could evaluate and recommend additional needs/requirements based on council and community recommendations relating to off-road vehicles in the city.

2. Because of it's size, should off-road vehicles now be banned in the city?

Response: The presumption here is the question relates to the "size" of the city (both geography and population). The geographic size has not changed

significantly in the past several years. The population and activity has grown significantly and certainly becomes a consideration when that is viewed as a “density” issue. It is my personal opinion that any significant changes in the off-road vehicle codes, such as banning them from the city, be considered with significant “stake-holder” input (by stake-holders I am referring to citizens, businesses, visitors/users of city resources, etc.) This is primarily a council question, the WPD will participate in whatever capacity is required with this process if that is the direction the council would like to proceed.

3. Is the illegal use of off-road vehicles greater in the youth population?

Response: Partly I think it depends who you ask. The statistical part of this issue is difficult to quantify due to a lack of good reporting data from past years activity (APSIN).

From the enforcement perspective, I think it is safe to estimate that many of the violations could involve operators of ATV’s under 16 years of age that are unaccompanied by a parent or guardian and/or don’t possess the appropriate permit. For other violations, such as speeding, helmet use or location of operation; age isn’t a factor in the code. Educational “outreach” could also be an age-related issue for public relations and public awareness.

4. Define what areas of the city are best for off-road vehicles, perhaps properties near established trails.

WMC already defines where off-road vehicle use is prohibited (10.12.020). If there is a consideration by the city for creating dedicated ATV trails/parks on city property, I am unaware of where those properties may be located. Further, it is somewhat unclear and perhaps “risky” for the city to identify “established trails” if there is not a legally dedicated use or right-of-way for such activity such as described in 10.12.020 A. (“...except the city streets’ rights of way unless posted...”) or some other established trails that may defined elsewhere for such purposes.

5. Report on the number of tickets issued related to off-road vehicles.

The old APSIN system does not provide ready statistical access to such information. A review of complaints regarding ATV/Bicycle complaints from 3/1/05 through 3/1/06 shows 73 citizen complaints received relating to ATV’s or Bicycles. This does not reflect other complaints that could be titled in another manner such as “Reckless Driving” or something else that could describe behavior related to off-road vehicles.



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

RE: ORDINANCE SERIAL NO. 06-09 AMENDING WMC 10.12.030

Agenda of: March 20, 2006
Originator: Don Savage, Police Chief

Date: February 17, 2006

Route to:	Department	Signature/Date
x	Police	<i>D. Savage</i> 2/23/06
	Recreational and Cultural Services Library, Museum	
	Public Works Planning	
X	Finance *signature required	<i>[Signature]</i>
X	Clerk	<i>[Signature]</i>

REVIEWED BY MAYOR DIANNE M. KELLER:

Dianne M. Keller

FISCAL IMPACT: yes\$ or no
Account name/number:
Attachments:

Funds Available yes no

SUMMARY STATEMENT:

This is a minor amendment to WMC 10.12.030 that removes the word "responsible" from the section describing the qualifications allowing minors to operate off-road vehicles in Wasilla.

It is presumed the intent of this section of the code when drafted was to simply leave the parent or guardian in a position of authority regarding conduct of minors – not attempt to pass judgment on how "responsible" they may be as a parent or guardian.

By removing the qualification of "responsible" from the code we can eliminate the subjectivity of that language from the code.

Staff recommends revising the code with this minor change in wording.