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6 CITY OF WASILLA
7 ORDINANCE SERIAL NO. 14-34
8

9 An ordinance of the Wasilla City Council amending Wasilla Municipal Code Chapter
10 10.12, Off-Road Vehicles, to prohibit off-road vehicle use on any trails or public rights-of-
11 way within the Wasilla city limits.
12

13 Section 1. Classification. This ordinance is of a general and permanent nature and shall
14 become part of the city code.
15

16 Section 2. Amendment of chapter. WMC Chapter 10.12, Off-road Vehicles, is hereby
17 amended to read as follows:
18

19 10.12.020 Off-road Vehicle Operation.
20

21 It is unlawful for any person to operate an off-road vehicle anywhere within the city limits,
22 except as follows:-

23 A. On private or public property without the express or implied consent of the owner, his
24 authorized agent or representative, ~~except the city streets' rights-of-way unless posted against the~~
25 ~~use of such vehicles;~~

26 B. ~~On a roadway or sidewalk unless such travel is necessary to go around an obstruction or~~
27 ~~for the purpose of crossing a roadway and only after coming to a complete stop and yielding to~~
28 ~~all pedestrian and vehicle traffic;~~

29 ~~C. In such a manner as to produce sufficient noise to disturb the peace and quiet of another;~~

30 ~~D. Without a license if required by any government agency;~~

31 ~~E. On or within twenty (20) feet of any railroad track except while crossing the tracks~~
32 ~~perpendicularly at a designated track crossing only after coming to a complete stop and yielding~~
33 ~~to all rail traffic;~~

34 ~~F. On the railroad right-of-way between twenty (20) and one hundred (100) feet from the~~
35 ~~railroad track except in areas which are permitted as street rights-of-way, and off of the roadway.~~
36

37 10.12.030 Age.
38

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

41 ~~1. Accompanied by a parent or guardian; or~~

42 ~~2. They have in their possession a valid motor driven cycle permit issued by the state of~~
43 ~~Alaska.~~
44
45

Underline, added. ~~Strikethrough, deleted~~

1 | ~~10.12.040 Helmets.~~

2 |
3 | ~~No person shall be allowed to ride an off-road vehicle in the city without wearing a helmet~~
4 | ~~which meets safety standards set by the state of Alaska.~~

5 |
6 | ~~10.12.050 Parental and Guardian Responsibility.~~

7 |
8 | ~~When a person under the age of eighteen (18) years violates any part of this chapter, his or her~~
9 | ~~parent or guardian is also in violation if:~~

10 | ~~A. The parent or guardian knowingly allows the violation to take place; or,~~

11 | ~~B. The parent or guardian fails to take reasonable precautions to prevent the violation.~~

12 |
13 | ~~10.12.060 Speed limits.~~

14 | ~~The speed limit shall be:~~

15 | ~~A. Five mph in a parking lot or when near pedestrian traffic;~~

16 | ~~B. Ten (10) mph while riding in a right-of-way of a residential neighborhood or business area.~~

17 |
18 | ~~10.12.070 Lawful Operation - Police.~~

19 |
20 | Sections 10.12.010 through 10.12.060 shall not apply to police, public safety officers or their
21 | agents in the lawful performance of their duty.

22 |
23 | ~~10.12.080 Equipment.~~

24 |
25 | ~~No person may drive or operate an off-road vehicle unless the vehicle is equipped with:~~

26 | ~~A. A headlamp, with the beam aimed and of sufficient intensity to reveal persons and vehicles~~
27 | ~~at a distance of at least one hundred (100) feet ahead during the hours of darkness. Such~~
28 | ~~headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming~~
29 | ~~driver;~~

30 | ~~B. At least one rear lamp exhibiting a red light plainly visible from a distance of five hundred~~
31 | ~~(500) feet to the rear during the hours of darkness;~~

32 | ~~C. Adequate brakes to control the movement of and to stop and hold the vehicle.~~

33 |
34 | ~~10.12.090 Towing.~~

35 |
36 | ~~No person may operate an off-road vehicle in the Alaska Rail Road while towing a sled,~~
37 | ~~toboggan, or other object, unless such sled, toboggan, or other object is attached to the off-road~~
38 | ~~vehicle by a rigid bar and the towed object is equipped with a red reflector.~~

39 |
40 | ~~10.12.100 Remedies, penalties and impoundment.~~

41 | ~~A. Remedies and penalties for violations of this chapter are as provided in Chapter 1.20.~~

42 | ~~B. An off-road vehicle in violation or whose owner or operator is in violation of this chapter,~~
43 | ~~or as incident to an arrest or other situation where the vehicle may require protection, may be~~
44 | ~~impounded immediately by a police officer or other authorized official. The vehicle may be~~
45 | ~~released only upon proof of ownership, payment in full of transportation and storage charges,~~
46 | ~~and the position of a bond for court appearance when such bond is required.~~

Underline, added. ~~Strikethrough, deleted~~

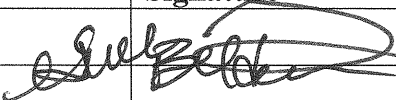

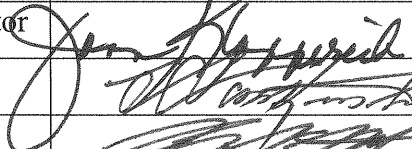



CITY COUNCIL LEGISLATION STAFF REPORT


Ordinance Serial No. 14-34: Amending Wasilla Municipal Code Chapter 10.12, Off-Road Vehicles, to prohibit off-road vehicle use on any trails or public rights-of-way within the Wasilla city limits.

Originator: Public Works Director

Date: July 16, 2014

Agenda of: July 28, 2014

Route to:	Department Head	Signature	Date
X	Chief of Police		7/16/14
X	Public Works Director		
X	Recreation & Cultural Services Director		7-18-14
X	Finance Director		7-16-14
X	Deputy Administrator		7-17-14
X	City Clerk		7.17.14

Reviewed by Mayor Verne E. Rupright: 

Fiscal Impact: yes or no

Attachments: Planning Commission Resolution Serial No. 14-18 (2 pages)

Planning Commission Draft Minutes – July 8, 2014 Meeting

Parks and Recreation Commission Resolution Serial No. 14-01 (2 pages)

Summary Statement: In 1999, the City adopted a trails plan with the goal of creating trails for motorized and non-motorized uses within the city limits. However, 15 years after the adoption of the trails plan, the use of off-road vehicles have become a safety hazard to pedestrians and vehicles throughout the city. In the last two years, the Wasilla Police Department has responded to approximately 248 complaints. This utilizes a significant amount of time and resources from the Police Department to enforce the regulations and maintain a safe environment.

As identified in the City's recently adopted Comprehensive Plan and Downtown Area Plan, the goals are to encourage continued economic growth and investment in the city and to create a vibrant, walkable downtown. Allowing off-road vehicles within the city limits is contrary to those goals due to the safety concerns and the damage to private property and rights-of way. The ordinance also directs the Parks & Recreation Commission to recommend updates to the Trails Plan and the Parks Master Plan.

Staff Recommendation: Introduce and set for public hearing Ordinance Serial No. 14-34.

By: Public Works
Public Hearing: 07/08/14
Adopted: 07/08/14

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 14-18**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE WASILLA CITY COUNCIL AMEND THE 1999 TRAILS PLAN, THE 2011 PARKS AND TRAILS MASTER PLAN, AND THE WASILLA MUNICIPAL CODE TO PROHIBIT OFF-ROAD VEHICLE USES ON ANY TRAILS OR PUBLIC RIGHTS-OF-WAY WITHIN THE WASILLA CITY LIMITS.

WHEREAS, the 1999 Trails Plan was adopted by the City with the goal of having both motorized and non-motorized uses allowed within the City's trail system; and

WHEREAS, motorized uses were designated in 1999 Trails Plan within specific corridors such as along Lucille Street, Knik-Goose Bay Road and the Parks Highway with restricted use in the remainder of the City; and

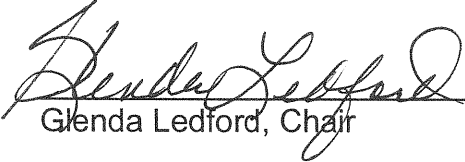
WHEREAS, 15 years after the 1999 Trails Plan was adopted, motorized uses have become a safety hazard throughout the City to both vehicles and pedestrians; using a significant amount of resources from the Police Department to maintain enforcement and a safe environment; and

WHEREAS, the designated corridors, such as Lucille Street, Knik Goose-Bay Road and the Parks Highway, are heavy congested with traffic and development of commercial and residential properties continue to grow along these corridors.

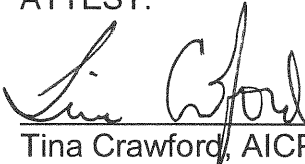
NOW, THEREFORE BE IT RESOLVED, the Wasilla Planning Commission hereby recommends that the City Council amend the 1999 Trails Plan, the 2011 Parks and Trails Master Plan, and the Wasilla Municipal Code to prohibit off-road vehicle use on any trails or public rights-of-way within the Wasilla city limits.

ADOPTED by the Wasilla Planning Commission on July 8, 2014.

APPROVED:

 7/15/14
Glenda Ledford, Chair Date

ATTEST:


Tina Crawford, AICP, City Planner

VOTE: Yes: Dean, Kelly, Ledford, Pinard
No: Means

REGULAR MEETING

I. CALL TO ORDER

The regular meeting of the Wasilla Planning Commission was called to order at 6:00 PM on Tuesday, July 8, 2014, in Council Chambers of City Hall, Wasilla, Alaska by Glenda Ledford, Chairman.

II. ROLL CALL

Commissioners present and establishing a quorum were:

Claudia Pinard, Seat A
Daniel Kelly Jr., Seat B
Jessica Dean, Seat C
Loren Means, Seat D
Glenda Ledford, Seat E

Staff in attendance were:

Mr. Verne Rupright, City Mayor
Mr. Bert Cottle, Deputy Administrator
Mr. Gene Belden, Police Chief
Ms. Joan Klapperich, Recreation & Cultural Services Director
Mr. Richard Payne, City Attorney
Ms. Tina Crawford, City Planner
Ms. Tahirih Revet, Planning Clerk

III. PLEDGE OF ALLEGIANCE

A. Commissioner Pinard led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

GENERAL CONSENT: The agenda was approved as presented.

V. REPORTS

A. City Deputy Administrator
No report given.

B. City Public Works Director
No report given.

C. City Attorney
No report given.

D. City Planner
No report given.

VI. PUBLIC PARTICIPATION (*Three minutes per person for items not on agenda*)
No one stepped forward to make a comment.

VII. CONSENT AGENDA

A. Minutes of June 10, 2014, regular meeting

GENERAL CONSENT: Minutes were approved as presented.

VIII. NEW BUSINESS (*five minutes per person*)

A. PUBLIC HEARINGS

1. **Resolution Serial No. 14-18:** Recommending that the Wasilla City Council amend the 1999 Trails Plan, the 2011 Parks and Trails Master Plan, and Chapter 10.12, Off-Road Vehicles, in the Wasilla Municipal Code to prohibit off-road vehicle uses on any trails or public rights-of-way within the Wasilla city limits.

a. City Staff/Applicant

Ms. Crawford provided a brief overview of Resolution Serial No. 14-18 and the reason for the amendments.

Ms. Randy Robinson stated that she is a city resident and is member of the Wasilla Parks & Recreation Commission. She provided a summary of her reason as a city resident and as a Commissioner on why she agrees that ATVs should be prohibited within the city limits.

Discussion moved to the Commission.

Ms. Klapperich stated that the Parks & Recreation Commission unanimously passed a resolution recommending that the City Council prohibit ATVs within the city limits.

Discussion ensued.

Chief Belden provided an overview of the problems with ATVs within the city limits. He also stated the Police Department had received 248 calls regarding ATV issues over the last two years.

Discussion ensued.

b. Private person supporting or opposing the proposal

Chair Ledford opened the public hearing for Resolution Serial No. 14-18 at 6:23 PM.

(The regular meeting recessed at 7:24 PM and reconvened at 7:32 PM)

Twelve non-city residents testified regarding the proposed ATV ban; 10 spoke against the ban and two spoke in favor of the ban. Twelve city residents testified regarding the proposed ATV ban; seven spoke against the ban and five were in favor of the ban.

With no other comments, Chair Ledford closed the public hearing at 8:27 PM.

c. City Staff/Applicant rebuttal

Mr. Cottle summarized the reasons for the proposed ban on ATVs, which included safety issues, destruction of private property, destruction of the right-of-way, nuisances from dust and noise, etc. He stated that the city is growing and this is needed to ensure continued future growth.

MOTION: Commissioner Dean moved to approve Resolution Serial No. 14-18, as presented.

Discussion moved to the Commission.

VOTE: The motion to approve Resolution Serial No. 14-18, passed with Commissioner Dean, Kelly, Pinard and Chair Ledford in favor and Commissioner Means opposed.

(The regular meeting recessed at 9:09 PM and reconvened at 9:12 PM)

2. **Resolution Serial No. 14-19:** Recommending approval of a 20-year lease of Lot 14, New Wasilla Airport to construct a 6,000 square feet hangar building; generally located south of the Parks Highway off of Aviation Avenue.

a. City Staff/Applicant

Ms. Crawford provided a brief summary of the request for the lease of Lot 14, New Wasilla Airport.

b. Private person supporting or opposing the proposal

Chair Ledford opened the public hearing for Resolution Serial No. 14-19 at 9:13 PM.

With no comments, Chair Ledford closed the public hearing at 9:13 PM.

c. City Staff/Applicant rebuttal

No additional comments.

MOTION: Commissioner Kelly moved to approve Resolution Serial No. 14-19, as presented.

VOTE: The motion to approve Resolution Serial No. 14-19, passed unanimously.

IX. UNFINISHED BUSINESS

No unfinished business.

X. COMMUNICATIONS

No statements made regarding the following items.

A. Permit Information

B. Enforcement Log

XI. AUDIENCE COMMENTS *(three minutes per person)*

No comments.

XII. STAFF COMMENTS

Ms. Crawford stated that if any of the Commissioners would like training to please let her know and she would coordinate with the City Attorney to provide training.

XIII. COMMISSION COMMENTS

Commissioner Kelly stated his concerns regarding access points for ATVs, motorcycles, etc.

Commissioner Means expressed frustration that items before the Commission only have one meeting. He stated that he would like for the Commission to have more time to identify solutions when making decisions.

Commissioner Pinard stated that she believes some things were learned both by citizens and staff and that it was a very informative meeting.

Chair Ledford stated that she appreciates all of the effort and time by the Commission tonight.

XIV. ADJOURNMENT

The regular meeting adjourned at 9:28 PM.

GLENDA LEDFORD, Chairman Date

ATTEST:

TAHIRIH REVET, Planning Clerk

Adopted by the Wasilla Planning Commission -, 2014.

By: Public Works
Public Hearing: 06/11/14
Adopted:

**WASILLA PARKS AND RECREATION COMMISSION
RESOLUTION SERIAL NO. 14-01**

**A RESOLUTION OF THE WASILLA PARKS AND RECREATION COMMISSION
SUPPORTING AN AMENDMENT TO THE 1999 TRAILS PLANS REMOVING FROM
THE PURPOSE AND ANY REFERENCE TO ACCEPTABLE MOTORIZED USES OF
TRAILS WITHIN THE CITY LIMITS OF WASILLA.**

WHEREAS, the 1999 Trails Plan was adopted by the City with the goal of having both motorized and non-motorized uses allowed within the City's trail system; and

WHEREAS, motorized uses were designated in 1999 Trails Plan within specific corridors such as along Lucile Street, Knik-Goose Bay Road and the Parks Highway with restricted use in the remainder of the City; and

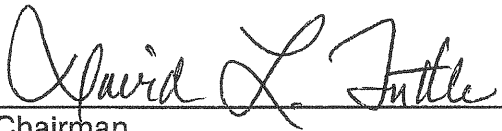
WHEREAS, 15 years after the 1999 Trails Plan was adopted, motorized uses have become a safety hazard throughout the City to both vehicles and pedestrians; using a significant amount of resources from the Police Department to maintain enforcement and a safe environment; and

WHEREAS, the designated corridors such as Lucile Street, Knik Goose-Bay Road and the Parks Highway are heavy congested with traffic and development of commercial and residential properties continue to grow along these corridors.

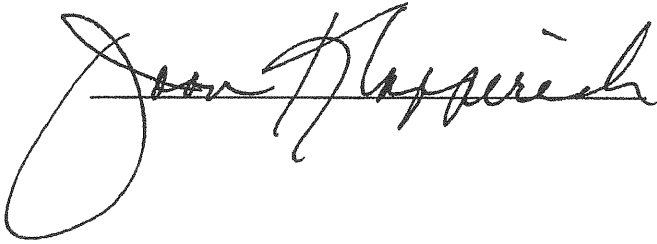
NOW, THEREFORE BE IT RESOLVED, the Wasilla Parks and Recreation Commission hereby supports amending the 1999 Trails Plan to remove from the purpose and any reference to acceptable motorized uses of trails within the City of Wasilla.

ADOPTED by the Wasilla Parks and Recreation Commission on June 11, 2014.

APPROVED:


Chairman

ATTEST:



VOTE: