

## Chapter 10.14

### All Purpose Vehicles on Public Roadways

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#### **10.14.005 General.**

All-purpose vehicles are allowed to be used on public roadways within the City Limits of the City of Craig subject to requirements and restrictions shown in 13 AAC and the Craig Municipal Code.

#### **10.14.010 Definitions.**

When used in this section, the following words and phrases shall have the meanings set forth in this section:

“All Purpose Vehicle (APV)” as defined in 13 AAC 40.010(a)(67) means any self-propelled vehicle designed to travel on wheels or tracks in contact with the ground and is commonly used to transport persons for recreational purposes, including vehicles such as four-wheel drive units, all-terrain vehicles (APVs), or utility terrain vehicles (UVs); does not include off-highway vehicles as defined in 13 AAC 40.010(a).

“Police officer” or “peace officer” means and includes the chief of police, any officer or employee of the police department and other persons authorized by the police chief to perform the duties of a “police officer.”

#### **10.14.015 Operators required to be licensed.**

A. No person shall operate an APV on any public roadway within the Craig City Limits unless they have a valid driver’s license in their possession.

B. No person shall operate an APV in violation of any condition or limitation on the person’s driver’s license.

#### **10.14.020 Registration required.**

No person shall operate an APV on any public roadway within the Craig City Limits, or on public property within the city limits without a current state of Alaska registration as shown in AS 28.10.451 and AS 28.10.461.

#### **10.14.025 Insurance Required**

No person shall operate an APV on any public roadway within the Craig City Limits, or on public property within the city limits without proof of current insurance on their person. Operators of APVs must provide proof of insurance to law enforcement officers upon request.

#### **10.14.030 Prohibited areas of operation.**

A. No person shall operate an APV on any of the following city public properties without the prior permission of the City of Craig:

1. School grounds;
2. Parks and playgrounds;
3. Recreation areas; and
4. Walking/hiking trails.

B. No person shall operate an APV on any private properties without the prior permission of the property owner or property manager. No person shall operate an APV on private roads, including those roads within trailer courts without prior permission of the property owner or property manager.

**10.14.035 Helmets required.**

All APV operators who are under 18 years of age and all passengers (regardless of age), on a public roadway within the Craig City Limits must wear a helmet while operating or riding an APV.

**10.14.040 Lights.**

All APVs to which this section applies shall be equipped with at least one functional headlight, taillight and brake light that meet the requirements of Title 13 AAC for this equipment. The headlight and taillight must be illuminated whenever the APV is being operated.

**10.14.045 Citation for defective or altered equipment.**

A. A police officer may issue a "fix it" citation to the operator of an APV which is not in safe mechanical condition or properly equipped as required by AS Title 28, Title 13 AAC, or the provisions of this section. A citation issued under this section shall specify the repair or adjustment to be made.

B. An operator or owner receiving a "fix it" citation under this section shall within a time specified by the inspecting officer appear at the office of the Craig police department and present acceptable evidence of having made the repairs or adjustment or present the APV for reinspection. If the defective part or item is at that time determined to be operating in good repair, and the vehicle otherwise meets the requirements of AS Title 28, Title 13 AAC and the provisions of this section, the inspecting officer shall void the "fix it" citation. Failure to present evidence of repair or adjustment or to present the vehicle for reinspection within the time specified will result in the fine being owed and payment due as ordered on the citation.

C. All APV's must be equipped, maintained, and operated so as to prevent excessive or unusual noise. APV must be equipped with a muffler or other effective noise-suppressing system, in good working order and in constant operation. No person may use a muffler cutout, bypass, or similar device, or modify the exhaust system of the APV in a manner which amplifies or increases the noise emitted by the engine of the APV above that emitted by the muffler originally installed on the APV.

**10.14.050 Public nuisance and impoundment.**

A. The purposes of this section include protecting the public, removing public nuisances, and deterring violations of this chapter, but do not include the generation of revenue for the city.

B. Any APV operated or modified in a manner that violates the Craig Municipal Code or state law is hereby declared a public nuisance.

C. Any APV that is a public nuisance may be impounded immediately by any police officer. Impoundment may be accomplished through a seizure of the APV at the time the citation is issued, or pursuant to a court order entered in the course of civil or criminal enforcement proceedings. Impoundment at the time of issuance of a citation is at the discretion of the citing officer.

D. An APV operated by, or driven by, or in the actual physical control of, an individual cited for violation of any section of this chapter is presumed to have been so operated by the owner(s) thereof or having been operated by another person with the knowledge and consent of the owner(s). An APV so operated is declared to be a public nuisance for which the owner(s) hold legal responsibility subject only to the defenses as set forth by law.

E. The owner(s) of an APV impounded by the city may obtain the release of the APV after the criminal matter has concluded or either the Chief of Police or District Attorney has authorized the release and upon providing proof of ownership, current valid insurance, and payment of a \$150.00 impound fee with an additional \$10.00 per day storage fee plus any additional costs incurred during the impoundment.

F. An APV seized for impoundment shall be held in the custody of the Craig police department. Any APV not claimed within 30 days of impound shall be considered abandoned and may be disposed of in accordance with AS 28.11.020 and AS 28.11.025.

G. The city may waive impound fees and return an impounded APV to the owner(s) if there is no requirement to maintain possession of the impounded APV for pending criminal or civil court actions and, the owner(s) can establish by a preponderance of the evidence that:

1. The owner(s) had an interest in the APV at the time of the alleged violation;
2. A person other than the owner(s) was in possession of the APV and was responsible for or caused the act which resulted in impound; and
3. That the APV was stolen and used without the owner(s)' permission.

**10.14.055 Parental responsibility.**

A parent or guardian of a minor under the age of 16 violates this chapter if he or she knowingly permits, or by insufficient control, allows their child or ward to operate an APV in violation of this chapter. Indifference as to the activities or whereabouts of the minor under the age of 16 shall be prima facie evidence of insufficient control.

**10.14.060 Owner responsibility.**

No person who owns or controls an APV shall permit a person to operate the APV if he or she knows or should reasonably know that it is likely to be operated in violation of this section.

**10.14.065 Penalty for violation and impoundment.**

A. Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the CMC 1.16.020, fine schedule if the offense is listed in that fine schedule or by a fine of up to \$300.00 if the offense is not listed in the CMC 1.16.040 fine schedule.

B. If a person is operating an APV in violation of the Craig Municipal Code or state law as incident to an arrest or other situation where the vehicle may require protection, the APV may be impounded immediately by a police officer or other authorized official. The APV shall be released only upon proof of ownership, proof of insurance, and payment in full of impoundment and storage charges.

**10.14.070 Sunset Date.**

Allowed use of APVs on Craig public roadways subject to this section will sunset on March 1, 2023. Unless the sunset date of this ordinance is extended or is replaced by ordinance, operation of APVs on public roadways within the Craig City Limits will be prohibited.