

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 08-02

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING CHAPTER 10.02, TRAFFIC CODE TO ADDRESS THE CHANGE IN STATUS FROM CITY TO BOROUGH GOVERNMENT, ADDRESSING THE RESTRICTION OF PROPERTY LEFT ON MUNICIPAL PROPERTY WITHOUT A PERMIT AND ADDRESSING TIME LIMITS FOR PARKING TRAILERS AND VEHICLES ON STREETS WITHIN THE MUNICIPALITY OF SKAGWAY.

WHEREAS, Amendments are required to address the change in status from city to borough government; and

WHEREAS, the Police Department has proposed additional amendments to address personal and commercial property left on municipal lands and parking restrictions;

BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. To add restrictions for allowing personal or commercial property to be left on municipal lands without a valid permit issued by the Municipality of Skagway. To add parking restrictions for the length of time vehicles and trailers may be parked on streets, road, and highways within the boundaries of the Municipality of Skagway. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from, and **bold** indicates text added to current code as follows:

Section 3. Amendment. Section 10.02.035 Impeding traffic in the historic district prohibited and Section 10.02.070 Parking restrictions are hereby amended as follows:

Chapter 10.02 TRAFFIC CODE

Sections:

- 10.02.010 State provisions adopted.
- 10.02.020 Authority of police and fire department officials.
- 10.02.030 Miscellaneous operating rules.
- 10.02.035 Impeding traffic in the historic district prohibited.
- 10.02.040 Bicycles.
- 10.02.045 All terrain vehicles.
- 10.02.050 Snowmobiles.
- 10.02.055 Golf carts and golf cart type vehicles.
- 10.02.060 Pedestrians.
- 10.02.070 Parking restrictions.

10.02.010 State provisions adopted.

- A. Certain provisions of Title 13 of the Alaska Administrative Code, listed below, are hereby adopted by reference pursuant to AS 28.01.010, together with all amendments thereto promulgated by the Alaska Department of Public Safety from time to time, and will be enforced by the city **municipality**:

Chapter 2 -- Motor Vehicle and Driving Offenses: Rules of the Road.

Chapter 3 -- Commercial Motor Vehicle and Driving Offences: Rules of the Road.

Chapter 4 -- Motor Vehicle and Driving Offenses: Vehicle Equipment and Inspection.

13 AAC 04.006 -- When Inspection Required, Roadside Inspection.

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Chapter 40 -- Definitions.

- B. The City **Municipality** of Skagway hereby adopts the fine schedule in the Alaska Court Systems "Vehicle and Traffic Offenses" booklet together with all amendments thereto promulgated from time to time, to dispose of municipal motor vehicle and traffic offenses that do not require a court appearance.
- C. A copy of the Chapter of Title 13 of the Alaska Administrative Code adopted in this section shall be filed in the office of the city **municipal** clerk and there kept available for public use, inspection and examination so long as the provisions thereof remain in force.
- D. Wrecked, dismantled, or inoperative vehicles may be abated and removed from public or private property, as a public nuisance or a health or safety hazard, or a wrecked, dismantled or inoperative vehicle or a vehicle otherwise presumed to be abandoned, provided:
 - 1. Notice to owners or lien holders of record and persons known to be lawfully entitled to possession of the vehicle of their right to a hearing conducted as set forth under AS 28.05.131 --28.05.141;
 - 2. Notice to owners and lien holders as provided in AS 28.11.040; and
 - 3. Disposal of abandoned vehicle as provided in AS 28.11.070 is carried out.

10.02.020 Authority of police and fire department officials.

- A. It shall be the duty of the officers of the police department, and such officers as are assigned by the chief of police, to enforce all city **municipal** traffic regulations and all state motor vehicle laws and regulations applicable to street and highway traffic within the city **municipality**.
 - 1. Officers of the police department and such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal, in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding other provisions of the traffic laws.
 - 2. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.
- B. The chief of police shall cause to be placed and maintained traffic-control signs, signals and devices which may be required to effectuate the provisions of the city **municipality**'s traffic code, and may place and maintain such additional traffic-control devices as he deems necessary to regulate traffic under the city **municipality**'s traffic code and state law, or to guide and warn traffic.
- C. The chief of police is authorized to determine those intersections at which drivers of vehicles shall not make a right or left turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

10.02.030 Miscellaneous operating rules.

- A. Pushcarts and Animals. Every person propelling any pushcart or ride an animal upon a roadway, and any person driving any animal-drawn vehicle, shall be subject to all traffic regulations applicable to the driver of any vehicle, except those regulations which by their very nature can have no application.

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- B. Coasters, roller-skates, skateboards, sleds, skis and similar devices. The use of coasters, roller-skates, skateboards, sleds, skis and similar devices is permitted under the following conditions:
1. They are permitted to be operated only on roadways that are ~~City~~ **municipal** roads.
 2. Coasters, roller-skates and skateboards will be operated only on ~~City~~ **municipal** roads during the hours of daylight.
 3. The operators of coasters, roller-skates, skateboards, sleds, skis and similar devices emerging from an alley, driveway or building shall, upon approaching a sidewalk area extending across any alley, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalks area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.
 4. The chief of police is hereby empowered with approval of the ~~council~~ **borough assembly** to make all necessary regulations pertaining to the use of, operation of, and areas and roads for use of coasters, roller-skates, skateboards, sleds, skis and similar devices.
- C. Authorized Emergency Vehicles.
1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this subsection, but subject to the conditions herein stated.
 2. The driver of an authorized emergency vehicle may:
 - a. Park or stand irrespective of the provisions of this code;
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - c. Exceed the stated or posted speed limit so long as he does not endanger life or property;
 - d. Disregard regulations governing direction of movement or turning in specified directions.
 3. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of the vehicle, while in motion, sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under abnormal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle; except that an authorized emergency vehicle operated as a police vehicle need not be equipped or display a red light visible from in front of the vehicle.
 4. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of others.
- D. Driving Through Cemeteries. No person shall drive, propel or operate any motor vehicle or other vehicle carrying, or ordinarily used in carrying, merchandise, goods, materials, tools or rubbish, or any market wagon, milk wagon, dirt cart, moving van, dray, truck or other commercial vehicle upon or along any driveway in any cemetery in the ~~city~~ **municipality**; provided, that this section shall not apply to any hearse or vehicle being used as part of a funeral procession, or to any vehicle employed in ~~city~~ **municipal** business or in any cemetery business.
1. The use of any personal motorized vehicles for purpose of guided tours shall not be permitted in the following area.

- a. on any street or sidewalk south of 10th Avenue between Spring and Alaska Street, or on Congress Way or Terminal Way.
 - b. For purpose of this paragraph, personal motorized vehicles shall include, but not be limited to, Segways, scooters, motorcycles, ATVs, or any other conveyance designed for less than four passengers, with any sort of motive power.
 - c. This shall not apply to wheel chairs or other conveyances used by the disabled and regulated by the Americans With Disabilities Act.
- E. Parades.
1. It is unlawful to parade upon any street, highway or other public thoroughfare within the city **municipality** without first notifying the chief of police of the intention to do so. Such notification shall be made in writing, and shall state the purpose of such parade, the place and hour of formation, the proposed line of march, and the name of the person or persons, society, association or organization having charge or control of such parade. Such notification shall be delivered to the chief of police at least twenty-four (24) hours before such parade is to take place; provided, that the time of notice herein specified may be lessened or the notice entirely waived in the discretion of the chief of police. The chief of police, in his discretion, may direct the place of formation and the line of march and other details of any such parade as public traffic or safety may require; and, with the approval or an order of the mayor, may forbid or stop any such parade whenever deemed necessary or advisable for the preservation of the public peace.
 2. No person, whether a pedestrian, equestrian, driver or operator of a motor or other vehicle, shall break into or through or interrupt any authorized parade or procession; provided, that such parade shall not interfere with the functions of the fire or police departments or the carriage of the United States mails.
- F. Motorcycles, motor scooters, three-wheelers, four-wheelers, and similar recreational vehicles.
1. The use of motor cycles, motor scooter, three-wheelers, four-wheelers, and similar recreational vehicles is prohibited in the following areas:
 - a. On private property without permission of the property owner,
 - b. On school grounds and ball fields,
 - c. Pullen Creek Park,
 - d. Yakutania Point Park.

10.02.035 Impeding traffic in the historic district prohibited.

A. Prohibited: The storage of any personal or commercial property, building materials or construction equipment on municipal property or any public streets, roads, or highways, without a temporary permit issued by the police department.

1. Business historical district from 2nd Avenue to 7th Avenue on Broadway Street; no temporary permit may be issued from the first (1st) of May to the thirtieth (30th) of September except for emergencies only and only by approval of the Chief of Police.

B. Temporary permits issued by the police department are not to be construed as temporary use permits as set out in SMC 16.06.020 but only issued for the basis to allow owners of properties or construction companies reasonable time to complete construction jobs adjacent to or in the proximity of the area where work is being done.

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- AC.** It shall be prohibited for any piece of construction equipment, materials or personnel to impede traffic in any traffic lane in the historic district for longer than 5 minutes, except for the following:
1. Public works crews performing maintenance or repairs to streets, sidewalks or utilities.
 2. Private utility providers performing maintenance or repairs to privately owned public utilities.
 3. Private contractors or private property owners performing construction or maintenance work on structures between 4:00 p.m. and 10:00 p.m., or 6:00 a.m. and 8:00 a.m.
 4. Any construction occurring between October 1 and April 30.
 5. Any work authorized under permit from the City **Borough** Manager, said permit not to exceed 1 hour in any 12 hour period.

~~**B.** This code does not apply to parking lanes, which for purposes of this section shall be considered to be 10 (10) feet from the outside edge of the boardwalk or sidewalk.~~

CD. Any work conducted under this chapter shall be done in compliance with International Building Code Chapter 33, Safeguards during Construction.

10.02.040 Bicycles.

- A. State provisions Adopted. Chapter 2, Article 9 of Title 13 of the Alaska Administrative Code, adopted by reference by the city **municipality**, contains Sections 13.02.385 through 13.02.420 (pertaining to bicycles), which will be enforced in the city **municipality**.
- B. No person shall operate a bicycle on public sidewalks in the area defined by Section 15.08.025 of this code.
- C. Emerging from Alley or Driveway. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk area extending across any alley, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.
- D. Lamps and Other Equipment on Bicycles.
1. Every bicycle, when in use during the hours of darkness, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least two hundred (200) feet to the front and with a reflector on the rear which shall emit a red light visible from a distance of at least fifty feet (50') to the rear.
 2. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

10.02.045 All Terrain Vehicles

- A. Definition. An All Terrain Vehicle (ATV) is any motorized three or four-wheeled vehicle other than an automobile, truck, sport utility vehicle, motorcycle, motor home or golf cart.
- B. Designated Areas of Operation.
1. Alaska Street is a designated area of operation to offer north/south access through town.
 2. Access to Yakutania Point is through the Yakutania Point Bridge from Alaska Street on 1st Avenue to Main Street, south to Terminal Way to the Airport Parking Lot.
 3. Access to 7-Pastures is through the Pat Moore Pedestrian Bridge from Alaska Street.

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- C. Exemption. ATV's used for maintenance of public utilities are exempt from this ordinance.
- D. Prohibited Use. West of the Railroad Tracks, East of the Skagway River, South of 23rd Avenue:
 - 1. On private property without the express written consent of the owner, or authorized agent or representative.
 - 2. On ~~City~~ **Municipal** or School property which has not been officially designated as an area for ATV operation.
 - 3. On a roadway, sidewalk, street, or alley unless such travel is necessary for the purpose of traveling from one municipally authorized ATV area to another, provided that;
 - a. Such travel may be on alleys and Alaska Street and in no way impedes other vehicle or pedestrian traffic.
 - b. If crossing any public street, including Alaska Street, such crossing is made after coming to a complete stop and yielding to all other pedestrian and vehicle traffic.
 - c. If crossing any public street, including Alaska Street, such crossing is made at an approximate ninety-degree angle to the direction of the street to be crossed.
 - 4. In such a manner as to produce sufficient noise to disturb the peace and quiet of another.
 - 5. At speeds in excess of (15) fifteen miles per hour.
 - 6. If operator is under the age of 16 unless accompanied by a parent or guardian
 - 7. Without a protective helmet if the operator is under the age of 18 or any passenger.
- E. ATV Operations and Hours of Operation.
 - 1. An ATV shall be equipped with headlight, taillights, brakes, noise suppression muffler.
 - 2. Insurance Required. An ATV shall have liability insurance.
 - 3. The drivers must be at least 16 years of age and licensed by the State of Alaska.
 - 4. Only one person is allowed on an ATV unless the ATV was built for tandem riding.
 - 5. Trailers being towed by an ATV must have light reflectors and are allowed during daylight hours only.
 - 6. The speed limit for ATV's shall not exceed 15 mph. Except on Yakutania Point and Pat Moore Bridges where the speed limit shall be 5 mph.
- F. Parental and Guardian Responsibility. When a person under the age of 16 years violates any part of this ordinance, his or her parent or guardian is also in violation if:
 - 1. The parent or guardian knowingly allows the violation to take place, or
 - 2. The parent or guardian fails to take reasonable precaution to prevent the violation.
 - 3. The violation of the parent or guardian is a separate violation from the violation by the person under the age of 16.
- G. Penalties. Any person who violates this chapter is subject to a fine of \$100.00 for the first offense, and \$200.00 for each individual offense after the first offense.
- H. This Ordinance shall be reviewed annually at any regularly scheduled ~~Council~~ **borough assembly** meeting between November 1 and December 31.

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- A. State Provisions Adopted. The ~~city~~ municipality has adopted by reference Chapter 2, Article 10 of Title 13 of the Alaska Administrative Code, which includes Sections 13.02.430 through 13.02.455 (concerning snowmobiles), which will be enforced within the ~~city~~ municipality.
- B. Equipment. Snow vehicles shall be equipped with head lights, tail lights, muffler, brakes and throttle meeting standards prescribed for automobiles generally in Chapter 4, Title 13, Alaska Administrative Code.
- C. Drivers License Required. Operators of snow vehicles on public streets must possess a valid state drivers license.
- D. Operation Rules.
 - 1. Snow vehicles shall not be operated within the ~~city~~ municipal limits at speeds in excess of twenty (20) miles per hour.
 - 2. Snow vehicles shall travel only in single file on streets and alleys.
 - 3. A snow vehicle shall carry passengers only when adequately equipped to do so as provided in 13 AAC 02.445.
 - 4. Snow vehicles shall not tow any person or persons, but may carry additional passengers by sled and skid, the tongue of which is attached directly to the snow vehicle.
- E. Restricted Areas.
 - 1. Snow vehicles shall not be operated:
 - a. On private property without permission of the property owner;
 - b. On sidewalks except to cross at a right angle;
 - c. On school grounds;
 - d. On such portions of ~~city~~ municipal streets as the ~~city council~~ borough assembly may from time to time designate by resolution.
 - 2. The ~~city~~ municipality may block off ~~city~~ municipal streets or areas for events conducted by a responsible snowmobile group or club upon notice to the police department, and authorize police to take such measures as deemed appropriate to protect persons and property and regulate traffic in the designated area.

10.02.055 Golf carts and golf cart type vehicles.

- A. State Provisions Adopted. The ~~city~~ municipality has adopted by reference Chapter 2 of Title 13 of the Alaska Administrative Code, which includes Sections 13.02.430 through 13.02.455, which will be enforced within the ~~city~~ municipality.
- B. Golf carts or golf cart type vehicles will be equipped with seat belts, a horn, turn indicators, brake lights, head lights, tail lights, muffler, brakes, and throttle meeting standards prescribed for automobiles generally in Chapter 4, Title 13, Alaska Administrative Code and will have identifying numbers at least six inches (6") tall.
- C. Drivers License Required. Operators of golf carts or golf cart type vehicles on public streets must possess a drivers license valid in the state of Alaska.
- D. Operation rules for golf carts or golf cart type vehicles:
 - 1. Carts shall not be operated within the ~~city~~ municipal limits at speeds in excess of twenty-five (25) miles per hour.
 - 2. Carts shall travel only in single file on streets and alleys.
 - 3. Occupancy is limited to the number of seat belts and to the front seat only.
 - 4. Carts shall not tow any person or persons.
- E. Restricted Areas. Golf carts or golf cart type vehicles shall not be operated:
 - 1. On private property without permission of the property owner;

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2. On sidewalks except to cross at a right angle;
3. On school grounds;
4. On State Street, 23rd Avenue or on the Klondike Highway.
5. On or past the bridge over the Skagway River at 23rd Ave.

10.02.060 Pedestrians.

- A. State Provisions Adopted. The city municipality has adopted Chapter 2, Article 4 of Title 13 of the Alaska Administrative Code, which includes Sections 13.02.150 through 13.02.195 (concerning pedestrians) which will be enforced within the city municipality.
- B. Drivers to Exercise Due Care. Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding a horn when necessary, and shall exercise proper precautions upon observing any child or any confused or incapacitated person upon a roadway.

10.02.070 Parking restrictions.

- A. State Provisions Adopted. The city Municipality of Skagway has adopted by reference Chapter 2, Article 8 of Title 13 of the Alaska Administrative Code, which includes Sections 13.02.340 through 13.02.377 (stopping, standing, and parking) excluding all references to snow removal and loading zones, 13 AAC 02 Article 8, Section 367 (loading zones), and 13 AAC 02 Article 11, Section 480 (unattended motor vehicle), which will be enforced within the city municipality.
- B. Narrow Streets or Highways.
 1. The chief of police is authorized to erect signs indicating "no parking" upon any street or highway when the width of the roadway does not exceed twenty-six feet (26'), or upon one (1) side of a street or highway as indicated by such signs when the width of the roadway does not exceed thirty-five (35) feet.
 2. When official signs prohibiting parking are erected upon narrow streets or highways as authorized herein, no person shall park a vehicle upon any such street or highway in violation of any such sign.
- C. Restricted Use of Parked Vehicles. It is unlawful for any parked vehicle to be utilized to provide temporary sleeping or living quarters for the occupants:
 1. While parked on any public street within the city municipality;
 2. While parked on any public or private property within the city municipality, except designated campgrounds, without the express permission of the property owner or person having control over the property.
- D. Restricted Parking, Timed Parking, Loading and Drop Off Zones. The ~~council~~ borough assembly shall from time to time establish restricted parking, timed parking, loading, drop off zones and other parking regulations by resolution.
 1. Loading zones time limits; active loading/unloading of freight or passengers for up to 30 minutes.
 2. For all areas not signed for timed parking, operative vehicles are allowed to park on public streets for no more than 30 days without movement.
 3. Exception given when owner has applied for a one time 30 day extended permit issued by the police department.
 4. No trailer shall be parked on any street or highway right-of-way within the Municipality of Skagway for a longer period of time than 24 hours at any one time.

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- E. Oversized Vehicles. Vehicles in excess of nineteen feet (19') shall be prohibited from parking on Broadway Street between 2nd and 7th Avenues.
- F. Commercial vehicles. Commercial vehicles prohibited from parking overnight on City municipal streets. The owner or operator of any commercial enterprise involving use of commercial vehicles shall provide and utilize off-street parking in an appropriately zoned area in compliance with SMC 19.08.020 adequate to park all vehicles used by that enterprise for commercial purpose.
- G. Commercial vehicle parking fines shall be established by resolution of the assembly ~~the Council by resolution~~.
- H. Failure to contact court or pay parking citations within 5 days will result in double the fine.

Section 4. Severability. If any provision of this ordinance or any application thereof to a person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 24th day of January, 2008.

Thomas D. Cochran, Mayor

ATTEST:

Marjorie D. Harris, Municipal Clerk

(SEAL)

Proposed by:	Administration/Police Dept
First Reading:	01/10/2008
Second Reading:	01/24/2008
Vote:	5 Aye 0 Nay 1 Absent