

Proposed by:	Civic Affairs Committee		
Attorney Review:	08/10/2011		
Public Safety Review:	08/16/2011		
First Reading:	08/18/2011		
Second Reading:	09/01/2011		
Vote:	5 Aye	0 Nay	1 Absent

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 11-18

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 10 VEHICLES AND TRAFFIC BY AMENDING CHAPTER 10.01 THROUGH CHAPTER 10.10.

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

WHEREAS, the Civic Affairs Committee is conducting a review of the Municipal Code in conjunction with the code re-write to update the Municipal Code;

NOW THEREFORE 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 amend Title 10, Vehicles and Traffic by amending Chapter 10.01 Administration, Chapter 10.02 Traffic Code, Chapter 10.04 Damaging or Polluting Streets and Sidewalks, Chapter 10.08 Oversize, Overweight and Track Vehicles and Chapter 10.10 Penalties.

Section 3. Amendment. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Chapter 10.01 Administration, Chapter 10.02 Traffic Code, Chapter 10.04 Damaging or Polluting Streets and Sidewalks, Chapter 10.08 Oversize, Overweight and Track Vehicles and Chapter 10.10 Penalties are hereby amended as follows.

Chapter 10.01 ADMINISTRATION

Sections:

- 10.01.010 Duty of police department.
- 10.01.020 Record of traffic violations.
- 10.01.030 Accident investigation.
- 10.01.040 Traffic accident reports.
- 10.01.050 Traffic accident studies.
- 10.01.060 Annual traffic report.
- 10.01.070 Method of identifying funeral processions.
- 10.01.080 Traffic-control devices.
- 10.01.090 Traffic advisory committee.
- 10.01.100 Regulations.

10.01.010 Duty of police department.

It shall be the duty of the police department to enforce street and highway traffic regulations of the city **municipality** and all of the state motor vehicle laws applicable to street

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and highway traffic in the ~~city~~ municipality, to make arrests for traffic violations, to investigate accidents, and to carry out those duties especially imposed upon the police department by this title.

10.01.020 Record of traffic violations.

- A. The police department shall keep a record of all moving violations of the ~~city's~~ municipality's traffic code or the state motor vehicle laws of which any person has been charged. Such records shall be so maintained as to show all such types of moving violations and the total of each, and shall be retained for at least five (5) years.
- B. All forms for records of the above-mentioned violations and notices of such violations shall be serially numbered. For each month and year, a written record shall be kept available to the public, showing the disposal of all such forms.

10.01.030 Accident investigation.

It shall be the duty of the city municipal police officers to investigate traffic accidents, and to arrest and to assist in the prosecution of those persons charged with violations of State law causing or contributing to such accidents.

10.01.040 Traffic accident reports.

The police department shall receive and properly record all traffic accident reports.

10.01.050 Traffic accident studies.

Whenever the accidents in any particular location become numerous, the police department shall cooperate with the city borough manager or his designee in conducting studies of such accidents and determining remedial measures.

10.01.060 Annual traffic report.

The police department shall annually prepare a traffic report which shall be filed with the city borough manager. Such report shall contain information on traffic matters in the city municipality, as follows:

1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
2. The number of traffic accidents investigated, and other permanent data on the safety activities of the police; and
3. The plans and recommendations of the department for future traffic safety activities.

10.01.070 Method of identifying funeral processions.

The department shall designate a type of pennant or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in funeral processions.

10.01.080 Traffic-control devices.

- A. The chief of police is hereby empowered to make emergency and experimental regulations, with approval of the city borough manager, such regulations not to remain in effect more than ninety (90) days.
- B. The chief of police may test traffic-control devices under actual conditions of traffic, with cooperation of the city borough engineer if required.

10.01.090 Traffic advisory committee.

The mayor may appoint special traffic advisory committees to study and make recommendations on special traffic problems of wide public interest. The members of traffic advisory committees shall serve without compensation. The mayor, the chief of police and the city borough manager shall be ex officio members of all such committees.

10.01.100 Regulations.

The chief of police is hereby empowered, with approval of the council borough assembly, to make all necessary regulations to effect all provisions of this title.

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 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.

Chapter 40 -- Definitions.

- B. The 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 borough 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:

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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 municipal traffic regulations and all state motor vehicle laws and regulations applicable to street and highway traffic within the 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 municipality's traffic code, and may place and maintain such additional traffic-control devices as he deems necessary to regulate traffic under the 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~~ riding 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.
- 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 municipal roads.
 2. Coasters, roller-skates and skateboards will be operated only on 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.

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4. The chief of police is hereby empowered with approval of the 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 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 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 municipality without first notifying the chief of police of the intention to do so. Such notification shall be made in writing,

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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.

- C. 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.

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5. Any work authorized under permit from the borough manager, said permit not to exceed 1 hour in any 12 hour period.
 - D. 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 municipality, contains Sections ~~43.02.385~~ **13 AAC 02.385** through ~~43.02.420~~ **13 AAC 02.420** (pertaining to bicycles), which will be enforced in the municipality.
 - B. No person shall operate a bicycle on public sidewalks in the area defined by Section **SMC 15.08.025, Urbanized Area**, 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.
 - 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 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;

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- 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 borough assembly meeting between November 1 and December 31.
- 10.02.050 **Snowmobiles.**
- A. **State Provisions Adopted.** The municipality has adopted by reference Chapter 2, Article 10 of Title 13 of the Alaska Administrative Code, which includes Sections ~~13.02.430~~ **13 AAC 02.430** through ~~13.02.455~~ **13 AAC 02.455** (concerning snowmobiles), which will be enforced within the 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.

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- D. Operation Rules.
 - 1. Snow vehicles shall not be operated within the 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 schoolgrounds;
 - d. On such portions of municipal streets as the borough assembly may from time to time designate by resolution.
 - 2. The municipality may block off 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 municipality has adopted by reference Chapter 2 of Title 13 of the Alaska Administrative Code, which includes Sections ~~13.02.430~~ **13 AAC 02.430** through ~~13.02.455~~ **13 AAC 02.455**, which will be enforced within the 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 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;
 - 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.

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- A. State Provisions Adopted. The municipality has adopted Chapter 2, Article 4 of Title 13 of the Alaska Administrative Code, which includes Sections ~~43.02.450~~ **13 AAC 02.150** through ~~43.02.495~~ **13 AAC 02.195** (concerning pedestrians) which will be enforced within the 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 Municipality of Skagway has adopted by reference Chapter 2, Article 8 of Title 13 of the Alaska Administrative Code, which includes Sections ~~43.02.340~~ **13 AAC 02.340** through ~~43.02.377~~ **13 AAC 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 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 municipality;
 - 2. While parked on any public or private property within the 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 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.
 - 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 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 resolution of the assembly.
- H. Failure to contact court or pay parking citations within 5 days will result in double the fine.

Chapter 10.04

DAMAGING OR POLLUTING STREETS AND SIDEWALKS

Sections:

- 10.04.010 Walking, riding or driving over newly made or marked-off streets and sidewalks.
- 10.04.020 Spilling oil on streets and sidewalks.
- 10.04.030 Unlawful installation of oil pipes or other objects in the street or sidewalk.
- 10.04.040 Damaging surface of street or sidewalk.
- 10.04.050 Depositing dirt, rubbish or other objects on street or sidewalk.
- 10.04.060 State provision adopted--Confinement of loads.

10.04.010 Walking, riding or driving over newly made or marked-off streets and sidewalks.

No person shall drive any motor vehicle or other vehicle, or walk over or upon any newly paved streets or sidewalks, or part thereof closed or marked off by barriers to vehicular or pedestrian traffic; or over or upon any street or sidewalk or part thereof where there is any sign warning persons not to drive or walk over or upon such street or sidewalk or part thereof.

10.04.020 Spilling oil on streets and sidewalks.

Every person transporting or delivering any fuel oil or other oil shall immediately clear and thoroughly clean, or cause to be cleared and thoroughly cleaned, every public sidewalk, sidewalk area, footpath, street, highway or other public thoroughfare, and every part of parts thereof, on which he has caused or allowed such oil to overflow or spill.

10.04.030 Unlawful installation of oil pipes or other objects in the street or sidewalk.

No person shall place, install or maintain, or permit to be placed, installed or maintained, in or upon any public roadway or sidewalk, or any place adjacent thereto, any oil or water intake pipe or part thereof, or any other pipe, object or thing or part thereof, which extends above the surface of any such roadway or sidewalk. Every such oil or water intake pipe thereof, and every other pipe, object or thing or part thereof, which so extends above the surface of any such roadway or sidewalk is hereby declared a common and public nuisance, and may be summarily removed by any police officer of the ~~city~~ **municipality**.

10.04.040 Damaging surface of street or sidewalk.

No person shall do any act or thing which in any way mars, injures or damages the surface or other part of any roadway or sidewalk within the ~~city~~ **municipality**.

10.04.050 Depositing dirt, rubbish or other objects on street or sidewalk.

Excepting in the manner authorized during such times that may by the mayor be declared a cleanup period, no person shall place or deposit, or permit to be placed or deposited, or aid or assist in placing or depositing any dirt, rubbish or other objects or things in or upon any public roadway or sidewalk.

10.04.060 State provision adopted--Confinement of loads.

The City **Municipality** of Skagway hereby adopts by reference the provisions of A.S. 28.35.251, contained or confined loads, which will be enforced in the ~~city~~ **municipality**.

Chapter 10.08
OVERSIZE, OVERWEIGHT AND TRACK VEHICLES

Sections:

- 10.08.010 State provisions adopted.
- 10.08.020 Permits for oversize or overweight vehicles.
- 10.08.030 Application for permits.
- 10.08.040 Fee for permits.
- 10.08.050 Load restrictions on certain streets and highways.
- 10.08.060 Projections on wheels or tracks prohibited.

10.08.010 State provisions adopted.

The City Municipality of Skagway adopts by reference the provisions of Chapter 25 of Title 17 of the Alaska Administrative Code pertaining to size and weight limitations on vehicles, which will be enforced in the city municipality.

10.08.020 Permits for oversize or overweight vehicles.

In addition to any permit which the state may require for the movement of oversize or overweight vehicles on state highways, any such vehicle must have a city municipal permit before it can lawfully operate or move upon streets or highways within the city municipality. The ~~city manager~~ police chief may, upon application, issue a special permit in writing, authorizing the applicant to operate or move a vehicle or combination of vehicles in excess of the size or weight limitations established in 17 AAC 25 on any public street or highway in the city municipality upon the following terms and conditions:

- A. Such vehicles may be operated only on streets or highways where the pavement is capable of carrying the weight and equipment without injury to such pavement, and along such routes as will least interfere with or endanger other users of the streets.
- B. No vehicle shall be operated which has a weight including load of over seven hundred fifty (750) pounds per inch width of tires.
- C. Vehicles, including load, that are overwidth shall have displayed across the front and the rear, red flags during the day and red lights during the hours of darkness, at the extreme limits of the width of the vehicle or load and not over the length, shall have displayed during the hours of darkness red lights along the sides not over eight (8) feet apart, and said vehicle shall not exceed a speed of fifteen (15) miles per hour.
- D. Pilot cars shall be provided with all vehicles or loads over eight feet (8') in width. The front and rear cars must have signs reading "Wide Load Ahead." Both signs shall be on a white background with red letters at least six inches (6") high. It shall be a violation of this title for cars to display this sign when not actually engaged in escorting a wide load.
- E. Police escort shall be required for all vehicles with loads twelve (12) feet or more in width.

10.08.030 Application for permits.

- A. The permits referred to in Section 10.08.020 above may be obtained from the city ~~manager~~ police chief upon written application setting forth a description of the object to be transported or the vehicle or vehicles to be driven, the route desired to be traversed, the hours within which it is desired to perform the work, the means of locomotion to be used, and such other information as may be required.

The applicant shall, as a condition to the issuance of the permit, execute and deliver to the city municipality a good and sufficient surety or cash bond in the sum of one thousand dollars (\$1,000.00), conditioned to save the city municipality harmless from all injuries which may be occasioned by reason of granting of such permit, or the use of any public street or highway thereunder, or of any act or omission; provided, the issuance of such permit shall not be construed as a waiver of the right of the city municipality to recover for any injury to the street or highway or other property of the city municipality resulting from transportation pursuant thereto.

- B. The applicant will be charged for all costs incurred by the moving of power lines, telephone lines, traffic signals and other obstructions within the right-of-way. A cash deposit may be required to assure payment for these services.
- C. The city borough manager, with the cooperation of the chief of police and the fire chief is hereby authorized to determine and to specify in such permits the routes to be traversed, the hours of operation, and such other limitations which in his opinion are required for the public convenience and safety.

10.08.040 Fee for permits.

No fee for permits shall be required, except in those cases where escort vehicles must be provided by the city municipality or additional inspections are required, and in that event, the city borough manager is authorized to set a fee which, in his discretion shall be sufficient to reimburse the city municipality for its expenses.

10.08.050 Load restrictions on certain streets and highways.

The city borough manager is hereby authorized to determine and designate those streets or highways upon which vehicles of a gross weight permitted hereunder would create a hazard or cause undue damage to the roadway, and shall erect appropriate signs stating the reduced gross weight permitted on such designated streets. When signs are so erected giving notice thereof, no person shall disobey the instructions stated on such signs.

10.08.060 Projections on wheels or tracks prohibited.

No person shall, without the ~~city manager's~~ police chief's written permission, drive or propel any vehicle or object upon any paved street or highway in the city municipality, which has any wheel, tire or track made or equipped with spikes, cleats, lugs or other attachments or projections, except tire chains and studded tires.

Chapter 10.10
PENALTIES

Sections:

- 10.10.010 Violation of adopted state provisions--Penalty.
- 10.10.020 Violation of Title 10 provisions--Penalty.

10.10.010 Violation of adopted state provisions--Penalty.

When a provision adopted by the city municipality from state law or regulation has been violated, the penalty shall be the same as that provided by state law or regulation, **except that any state law or regulation authorizing a criminal penalty or imprisonment shall not be prosecuted as a violation of municipal law.** Where state law or regulation does not provide a penalty, the violation shall be deemed an infraction, and the violator shall be subject to a fine not to exceed fifty dollars (\$50.00).

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10.10.020 Violation of Title 10 provisions--Penalty.

Violation of a provision of this title not adopted from state law shall be deemed an infraction, and shall be punishable by a fine not to exceed fifty dollars (\$50.00), unless a specific penalty is stated immediately following the statement herein of the legal duty which has been violated.

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

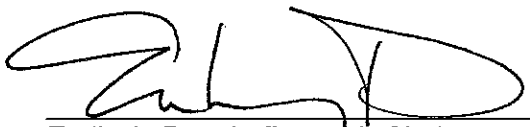
Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 1st day of September, 2011.



Thomas D. Cochran, Mayor

ATTEST:



Emily A. Deach, Borough Clerk

(SEAL)

