

Proposed by:	Administration	
Attorney Review:	02/18/2015	
First Reading:	02/19/2015	
Second Reading:	03/05/2015	
Vote: 5 Aye	0 Nay	1 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA  
ORDINANCE NO. 15-07**

**AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC 10.02 TRAFFIC CODE AND SMC 10.10 PENALTIES TO PROVIDE THAT VIOLATIONS OF THESE CHAPTERS ARE SUBJECT TO CIVIL FINES.**

**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 Chapter 10.02 Traffic Code and Chapter 10.10 Penalties to provide that violations of these sections are subject to civil fines.

**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 10.02 Traffic Code is 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.
- 10.02.080 Notice of violation of parking restrictions.

**10.02.090 Penalties.**

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 AS28.01.010, 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 Offenses: 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.** **All pedestrians and drivers of vehicles must obey the instructions of an official traffic control device placed and displayed in accordance with the provisions of statutes, regulations or ordinances, unless otherwise directed by a police officer or authorized person directing traffic, and except as provided in 13 AAC 02.517 and 13 AAC 02.520 for emergency vehicles.**

**BC.** 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.

**CD.** 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 borough clerk and there kept available for public use, inspection and examination so long as the provisions thereof remain in force.

**DE.** 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.

#### **10.02.090 Penalties.**

**For violations of Title 10 not adopted from state law, refer to SMC 1.20 General Penalties. Violations of Title 10 are subject to civil fines established by resolution.**

**Section 4. 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 10.10 Penalties is hereby amended as follows:

10.10.010 Violation of adopted state provisions – Penalty.

When a provision adopted by the 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)~~ **is subject to a civil fine established by resolution.**

10.10.020 Violation of Title 10 provisions – Penalty.

For violations of this title not adopted from state law, refer to Chapter 1.20, General Penalty. Violations of this title are subject to civil fines established by resolution, **unless a specific penalty is stated immediately following the statement herein of the legal duty which has been violated.**

MUNICIPALITY OF SKAGWAY, ALASKA

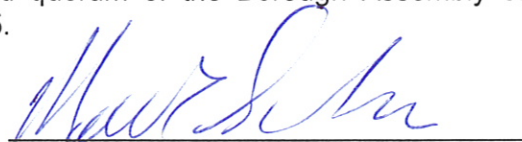
ORDINANCE NO. 15-07


Page 3 of 3

**Section 5. 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 6. 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 5<sup>th</sup> day of March, 2015.

  
Mark Schaefer, Mayor

ATTEST.  
  
Emily A. Deach, Borough Clerk

(SEAL)

