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| Proposed by: | Planning & Zoning Commission |
| Attorney Review: | 12/19/2018 |
| First Reading: | 01/03/2019 |
| Second Reading: | Postponed to 2/21/2019 |
| Public Safety Review: | 02/06/2019 |
| P&Z Review: | 02/14/2019 |
| Attorney Review: | 02/15/2019 |
| Second Reading: | 02/21/2019 |
| Vote: 6 Aye 0 Nay 0 Absent | |

**MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 19-01**

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC 10.02.070(F) OF SMC CHAPTER 10.02 TRAFFIC CODE TO PROVIDE REGULATIONS FOR COMMERCIAL VEHICLE AND COMMERCIAL PASSENGER VEHICLE PARKING AND WASHING ON MUNICIPAL STREETS.

WHEREAS, the Planning and Zoning Commission held a public hearing on December 13, 2018 on this code amendment proposal; and

WHEREAS, following the public hearing the Planning and Zoning Commission voted to recommend that the Assembly adopt this proposed code amendment to restrict commercial passenger vehicle parking on certain municipal streets; and

WHEREAS, at its meeting of January 17, 2019, the Assembly directed staff to develop alternative language that more specifically addresses the concerns of the Planning and Zoning Commission, which are understood to be: the proliferation of commercial passenger vehicle parking on residential streets; and the washing of all types of commercial vehicles on residential streets;

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

Section 1. Classification. Section 3 of this ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. To amend SMC Section 10.02.070(F) to restrict commercial passenger vehicle parking on municipal streets within the Residential General, Business General, and Industrial Light zoning districts.

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. SMC 10.02.070(F) is hereby amended as follows:

- F. Commercial ~~vehicles~~ **and commercial passenger vehicles.**
 - 1. For the purposes of this section, the following definitions are established:**
 - a. "Commercial vehicle" is a motor vehicle that has a gross weight rating or gross combination weight rating greater than 10,000 pounds, that is used for activities for which direct monetary**

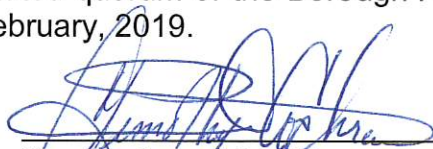
compensation is received, or for activities for which a person or entity receives no direct monetary compensation but that are incidental to and done in furtherance of business activities.

- b. “Commercial passenger vehicle” is a motor vehicle that has a gross weight rating or gross combination weight rating greater than 10,000 pounds, that is used to transport passengers where the cost of transportation is included in the price of the product sold, and either the driver of such vehicles is provided by the operator, or the consumer is the driver of the vehicle being provided by the tour operator, as defined in SMC 5.08.010.
2. Commercial vehicles and commercial passenger vehicles are prohibited from parking overnight on municipal streets. The owner or operator of any commercial enterprise involving use of commercial vehicles or commercial passenger vehicles shall provide and utilize off-street parking in an appropriately zoned area adequate to park all vehicles used by that enterprise for commercial purpose, in compliance with Section 19.08.020 adequate to park all vehicles used by that enterprise for commercial purpose.
3. Commercial passenger vehicles are prohibited from parking more than fifteen (15) minutes on municipal streets in the Residential General zoning district, Business General zoning district, and Industrial Light zoning district. Municipal streets and rights-of-way bordering or within the Residential General, Business General, and Industrial Light zoning districts shall be considered to be within the applicable zoning district for the purposes of this section.
4. No commercial vehicles or commercial passenger vehicles shall be washed on municipal streets or rights-of-way at any time.


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 21st day of February, 2019.



Tim Cochran, Vice Mayor

ATTEST:


Emily A. Deach, Borough Clerk
(SEAL)

