

DRAFT

RED = PD AMENDMENTS

BLUE = ADMIN AMENDMENTS

Proposed by:	_____
Attorney Review:	_____
First Reading:	_____
Second Reading:	_____
Vote: __ Aye	__ Nay __ Absent

**MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 24-XX**

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC TITLE 10 VEHICLES AND TRAFFIC.

WHEREAS, _____; and

WHEREAS, _____; and

WHEREAS, _____;

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 Title 10 Vehicles and Traffic.

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. Title 10 Traffic Code is hereby amended as follows:

Chapter 10.01
ADMINISTRATION

10.01.050 Traffic accident studies.

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

10.01.080 Traffic-control devices.

A. The chief of police is hereby empowered to make emergency and experimental regulations, with approval of the 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 borough an~~ engineer if required.

Chapter 10.02
TRAFFIC CODE

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~~ they 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 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.
 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 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.
- ~~E.~~ 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.

B1. For purpose of this ~~paragraph~~ section, 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.

E2. This shall not apply to wheel chairs or other conveyances used by the disabled and regulated by the Americans With Disabilities Act.

EF. 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, 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~~ their 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.

FG. 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.
 - e. [Areas as regulated under SMC 10.02.045.](#)

10.02.045 All terrain vehicles.

- A. Definition. An All Terrain Vehicle (ATV) is any motorized vehicle with three or more wheels 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;
 - 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~~ their 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. This chapter shall be reviewed annually at any regularly scheduled borough assembly meeting between November 1 and December 31.~~

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 13 AAC 02.340 through 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.A.~~ 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 feet (35').~~

~~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.B.~~ 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. For all areas not signed for timed or restricted parking, operative and properly registered vehicles are allowed to park on public streets for no more than seven (7) days without movement.

~~1. Loading zones time limits; active loading/unloading of freight or passengers for up to thirty (30) minutes.~~

~~2. For all areas not signed for timed parking, operative vehicles are allowed to park on public streets for no more than thirty (30) days without movement.~~

~~3. Exception given when owner has applied for a one (1) time thirty (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 twenty four (24) hours at any one (1) time.~~

~~5. No vehicle shall be parked within twenty feet (20') of any street intersection.~~

~~E. Oversized Vehicles. Vehicles in excess of nineteen feet (19') shall be prohibited from parking on Broadway Street between 2nd and 7th Avenues.~~

~~FC.~~ ~~Commercial Vehicles and Commercial Passenger Vehicles Definitions.~~

~~1.~~ For the purposes of this section, the following definitions are established:

~~A1.~~ “Commercial vehicle” is a motor vehicle that has a gross weight rating or gross combination weight rating greater than ten thousand (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.

~~B2.~~ “Commercial passenger vehicle” is a motor vehicle that has a gross weight rating or gross combination weight rating greater than ten thousand (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 Section 5.08.010.

~~3.~~ “Commercial Enterprise” means vehicles used for profit.

~~4.~~ “Park” means stopping and standing, but the vehicle must not be unattended.

~~5.~~ “Stand” means dropping off or picking up people, but no loading/unloading, or parking.

~~6.~~ “Stop” means no dropping off or picking up of people, no loading/unloading, and no parking.

~~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.

~~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.

~~GD.~~ Parking Violations--Civil Fines. Vehicle parking violations shall be subject to a civil fine pursuant to Section 10.02.090, Penalties.

~~HE.~~ Failure to contact the Skagway police department within five (5) days of the date of the notice of violation and arrange an payment schedule for the fine acceptable to the police department, or to pay the fine for a parking violation within five (5) days of the date of the notice of violation, or to file an appeal of a notice of violation within ten (10) days of the date of the notice of violation, will result in an additional fee in addition to the amount of

the civil fine.

- F. It is illegal to stop, stand, or park, whether attended or unattended, upon or within eight (8) feet of a roadway, except where the roadway is of sufficient width and design to allow parking without interfering with the normal flow of traffic or with snow removal or other highway maintenance, and where the parking, stopping, or standing is not prohibited by an official traffic-control device, unless directed to do so by a flag person or police officer. If an emergency requires a vehicle to be parked or stopped, that vehicle must have activated four-way emergency flashers.
- G. A vehicle that is in violation of this section is considered to be in violation by the registered owner of the vehicle unless the registered owner is able to prove that at the time of the violation the vehicle was taken without their consent.
- H. This section does not apply to drivers of vehicles performing an official duty which requires stopping, standing, or parking upon the roadway or to the driver of a vehicle which is disabled in a manner and to an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon a roadway.
- I. Except when necessary to avoid conflict with other traffic, or comply with statutes, regulations, ordinances, the direction of a police officer, fireman, authorized flagman, or official traffic-control device, no person may;
1. Stop, stand, or park a vehicle on a sidewalk, within an intersection, or within a crosswalk.
 2. Park for a time period beyond the time specified on a sign displayed for the designated parking space, area or zone.
 3. Stand or park in a S.M.A.R.T. Bus zone. Any picking up or dropping off of people cannot interfere with regular operations of the S.M.A.R.T. bus zone.
 4. Stand or park where an official sign prohibiting and/or designating parking restrictions are erected.
 5. Park overnight in daytime parking lots without permit.
 6. Park in a loading zone unless actively loading/unloading freight or passengers and only for up to thirty (30) minutes.
 7. Stop, stand, or park within 15 feet of a fire hydrant.
 8. Stop, stand, or park within 20 feet of any intersection.
 9. Stop, stand, or park along a curb that is painted yellow.
 10. Stop, stand, or park alongside or opposite a street excavation when stopping, standing, or parking would obstruct traffic.
 11. Stop, stand, or park upon a bridge.
 12. Stop, stand, or park on a railroad track or within 50 feet of the nearest rail of a railroad crossing.
 13. Park in front of a public or private driveway.
 14. Park on private property without consent of the owner or person in control of the property.
 15. Park in an alley which leaves less than 10 feet of the width of the alley for movement of vehicular traffic.
 16. Stop, stand, or park on the roadway side of a vehicle already stopped, standing, or

parked at the edge or curb of a street.

J. Additional Parking Regulations.

1. Every vehicle stopped or parked upon a roadway must be stopped or parked parallel to the curb or edge of the roadway in the direction of travel, with its wheels on the side of the vehicle facing the nearest curb or edge of the roadway within 12 inches of that curb or edge of roadway.
2. No person may obstruct or block traffic on a roadway, except as specifically allowed by statutes, regulations or ordinances.
3. No person may park a vehicle upon a street, roadway, alley, or vehicular way or area for the purpose of:
 - a. performing maintenance work on the vehicle, except repairs or maintenance necessary to get the vehicle moved off the streets;
 - b. displaying the vehicle for sale or hire in the regular course of the person's business as a dealer for sale or hire of vehicles.
4. It is unlawful for any parked vehicle to be utilized to provide temporary sleeping or living quarters for the occupants: While parked on public streets within the municipality or 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.
5. It is unlawful for any vehicle to be parked upon a street, roadway, alley, or vehicular way or area within the municipality for more than seven (7) days without movement.
6. 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 twenty-four (24) hours at any one (1) time.
7. Commercial vehicles, commercial passenger vehicles, and commercial enterprises are prohibited from parking overnight upon a street, roadway, alley, or vehicular way or area within the municipality. The owner or operator of any commercial enterprise shall provide and utilize off-street parking in an appropriately zoned area in compliance with Section 19.08.020.
8. 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.
9. No vehicle or trailer shall be parked on any street, roadway, alley, or vehicular way or in any public parking lot while either not displaying any evidence of registration or while the registration is suspended or revoked, or is expired or displaying expired registration.

10.02.080 Notice of violation of parking restrictions.

A. A notice of violation of parking restrictions set out in Section 10.02.070 may be issued by

affixing a notice of violation to the vehicle that is parked in violation. The notice of violation shall include the following:

1. A brief description of the violation;
2. The registration number and/or other identification of the vehicle, if available;
3. The date and approximate time and place of the violation;
4. The civil fine for the violation;
5. ~~The municipal office where the fine must be paid~~ Directions on how to pay;
6. Statement that unless within five (5) days of the date of the notice of violation the Skagway Police Department is contacted and an arrangement is made for payment of the fine acceptable to the Police Department, or the fine is paid within five (5) days of the date of the notice, or an appeal is filed within ten (10) days of the date of notice, an additional fee in the amount of the civil fine will be added;
7. Statement that a notice of violation may be appealed, the office where such an appeal must be filed, and the time for filing an appeal;
8. Statement that timely payment, or acceptable arrangement for payment, of the fine or will waive all rights to appeal the notice of violation; and
9. Statement that failure to timely appeal will be deemed an admission of the violation and will waive all right to appeal or contest the notice of violation.

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.
- 10.04.080 Washing vehicles on public streets.

10.04.080 Washing vehicles on public streets.

No vehicle shall be washed on any publicly owned street, alley, roadway, or sidewalk within the municipality. No person or entity shall cause contaminated and unfiltered water to enter storm drains from private property, in accordance with SMC 8.04 Nuisances.

Chapter 10.08

OVERSIZE, OVERWEIGHT AND TRACK VEHICLES

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 municipality or additional inspections are required, and in that event, the borough manager is authorized to set a fee which, in ~~his~~their discretion shall be sufficient to reimburse the municipality for its expenses.

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 ___ day of _____, 2024.

Sam Bass, Mayor

ATTEST:

Steve Burnham Jr., Borough Clerk

(SEAL)