

ORDINANCE NO. 910

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 11, VEHICLES AND TRAFFIC, OF THE WRANGELL MUNICIPAL CODE, SPECIFICALLY CERTAIN SECTIONS IN CHAPTERS 11.04, 11.08, 11.12, 11.30, 11.36, 11.64, 11.68 AND 11.76, TO ADD PROVISIONS ON PENALTY FOR VIOLATION, MAKE CORRECTIONS, AND REPEAL CERTAIN SECTIONS OF CHAPTER 11.28 AND CHAPTER 11.32 IN ITS ENTIRETY

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that are underlined are to be added and the words that are **[bolded and in brackets are to be deleted]**.]

SEC. 1. Action. The purpose of this ordinance is to amend Title 11, Vehicles and Traffic, of the Wrangell Municipal Code, specifically certain sections in Chapters 11.04, 11.28, 11.30, 11.32, 11.36, 11.64, 11.68, and 11.76, and to repeal certain sections in Chapter 11.28 and Chapter 11.32 in its entirety. The section and chapter numbers of repealed sections and chapters are reserved for future use.

SEC 2. Amendment. The list of sections in Chapter 11.04, General Provisions, of the Wrangell Municipal Code is amended to read:

**Chapter 11.04
GENERAL PROVISIONS**

Sections:

11.04.010 Adoption of State Uniform Traffic Laws by Reference.

11.04.020 **[State surcharges]**Traffic Fine Schedule – Adoption of State Bail Forfeiture Schedules by Reference.

11.04.030 **[Violation – Penalty]**Chief of Police Regulation Authority.

SEC. 3. Amendment. Sections of 11.04.010, 11.04.020 and 11.04.030 of the Wrangell Municipal Code are amended to read:

11.04.010 Adoption of State Uniform Traffic Laws by Reference.

[There is hereby incorporated by reference into this code, except as otherwise provided by the Charter, Title 13 of the Administrative Code, and all noncriminal Title 28 Traffic Statutes, to the extent that such provisions are in effect on or following the date of the ordinance codified in this section.] In addition to the traffic ordinances of this Title 11, the borough adopts by reference all vehicle and traffic statutes and regulations of the State of Alaska, as they presently exist and as they may be revised in the future, as the traffic code for the borough, except for felonies and misdemeanors not listed on Alaska Supreme Court bail forfeiture schedules.

11.04.020 [State surcharges] Traffic Fine Schedule – Adoption of State Bail Forfeiture Schedules by Reference.

[The borough police may notify persons charged with motor vehicle violations that the state has imposed surcharges on traffic fines as stated in AS 12.55.039 and 28.05.151(c).]

The borough adopts as its traffic fine schedule the “Traffic Bail Forfeiture Schedule” and the “Oversize Vehicle Bail Forfeiture Schedule” in Administrative Rules 43.1 and 43.6 of the Alaska Rules of Court and any other bail forfeiture schedules relating to vehicles adopted by the Alaska Supreme Court. In addition, the borough adopts all amendments of those schedules that become effective after the effective date of this ordinance. Citations for offenses listed on these schedules may be disposed of as provided in AS 12.25.195 - .230, without a court appearance, upon payment of the amounts listed plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the Police Department. If a traffic offense is not listed on this fine schedule or another fine schedule ordinance, the defendant must appear in court to answer to the charges. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the amount listed for that offense on the schedule. The fines established in these fine schedules may not be reduced.

11.04.030 [Violation – Penalty]Chief of police regulation authority.

[Penalties for violation of any provisions of this chapter shall be by a fine/penalty of not more than \$300.00. The imposition of demerit points, revocation or suspension of licenses or restrictions thereof, as may be imposed by the state pursuant to its rules, regulations and statutes, are independent of any penalty under this chapter.]

The chief of police is empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the borough and to make and enforce temporary or experimental regulations to cover parking control or emergencies or special conditions. Except for parking regulations, no such temporary or experimental regulations shall remain in effect for more than 90 days. Every such temporary or experimental regulation shall be submitted to the borough assembly at the assembly's regular meeting prior to the enforcement of such regulation, and, in the event the assembly disapproves its enforcement, the police department shall not thereafter enforce such regulation.

SEC. 4. Repeal. Chapter 11.08, Definitions, of the Wrangell Municipal Code is repealed:

Chapter 11.08
[DEFINITIONS] Repealed

[Sections:

11.08.010 **Chief of police regulation authority.]**

[The chief of police is empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the borough and to make and enforce temporary or experimental regulations to cover parking control or emergencies or special conditions. Except for parking regulations, no such temporary or experimental regulations shall remain in effect for more than 90 days. Every such temporary or experimental regulation shall be submitted to the borough assembly at the assembly's regular meeting prior to the enforcement of such regulation, and, in the event the assembly disapproves its enforcement, the police department shall not thereafter enforce such regulation.]

SEC. 5. Repeal. Chapter 11.12, Administration, of the Wrangell Municipal Code is repealed:

Chapter 11.12
[ADMINISTRATION] Repealed

[Sections:

11.12.010 **Adoption of State Uniform Traffic Bail Schedule.]**

[The "State Uniform Traffic Bail Schedule" enacted January 1, 1987, as amended up to February 9, 1988, is adopted as the traffic bail schedule for the borough. In addition, the borough adopts all changes made in said schedule from time to time.]

SEC. 6. Amendment. The list of sections in Chapter 11.28, Stopping, Standing, and Parking, of the Wrangell Municipal Code is amended to read:

Chapter 11.28
STOPPING, STANDING, AND PARKING

Sections:

- 11.28.010 **[Prohibited parking areas specified] Repealed.**
- 11.28.020 Prohibited parking places **[generally].**
- 11.28.030 Red-painted curbs and signs – No parking.
- 11.28.040 Time-limit parking – Impounding.
- 11.28.050 **[Prohibited 24-hour parking – Impounding] Repealed.**
- 11.28.060 **[Prohibited parking on sidewalk] Repealed.**
- 11.28.070 **[Prohibited parking in licensed vehicle stand] Repealed.**
- 11.28.080 Blocking roadway prohibited.
- 11.28.090 **[Loading and unloading passengers]Bus Stop and Passenger Zone – Parking prohibited.**
- 11.28.100 Loading and unloading materials.
- 11.28.110 Authority to determine passenger and loading zones.
- 11.28.120 **[Use of parking meter zones by taxicabs]Repealed.**
- 11.28.130 Method of parking – Loading permits.
- 11.28.140 Penalty for **[overtime parking]violation.**

SEC. 7. Repeal. Section 11.28.010 of the Wrangell Municipal Code is repealed:

11.28.010 [Prohibited parking areas specified] Repealed.

[It is unlawful at any time for the owner or operator of any motor or other vehicle to leave, place or park the same, whether the same is or is not attended or occupied by any person, on or upon any of the following prohibited parking areas in the borough which prohibited parking areas shall be marked by appropriate prohibited parking signs:

A. In any area, on any street, immediately fronting the curb, between fixed signs, or where the curb is marked with red paint and a sign is either erected along the curb or painted in red or white on the street fronting the curb, indicating the area between the fixed signs, or fronting the red curblane, to be a bus stop, loading zone, driveway, or licensed vehicle stand;

B. Within any area entirely enclosed by red lines painted on the curb and street, or painted on the street, and designated by the words “no parking” painted within the enclosed area in red and white, or otherwise marked by an appropriate sign, or by a combination of placed and painted signs, indicating no parking permitted;

C. Within any area where a parking meter is installed, excepting as provided by such parking meter and the traffic code of the borough.]

SEC. 8. Amendment. Sections 11.28.020, 030, and 040 of the Wrangell Municipal Code are amended to read:

11.28.020 Prohibited parking places [generally].

It is unlawful for the owner or operator of any [motor or other] vehicle to stop, stand or park the same in any of the following places, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer, or a traffic control sign or signal. No sign shall be required to designate this prohibition.

A. Within an intersection;

B. On a crosswalk;

[C. At a bus stop;]

[D]C. Within **[15] 20** feet of the driveway entrance to any fire station or directly across the street from such entrance;

[E]D. On a sidewalk;

[F]E. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would impede or obstruct traffic.

11.28.030 Red-painted curbs and signs - No parking.

A. All curbing painted red shall mean no parking at any time. Other restrictions shall be shown by standard parking signs. No person shall park or stand a vehicle in violation of any parking sign or in violation of a parking prohibition indicated by curbing which is painted red.

B. No person shall park or stand a vehicle in any area entirely enclosed by red lines painted on the curb and street, or painted on the street, and designated by the words "no parking" painted within the enclosed area in red and/or white, or otherwise marked by an appropriate sign, or by a combination of placed and painted signs, indicating no parking permitted.

11.28.040 Time-limit parking – Impounding.

A. It is unlawful for the owner or operator of any [motor or other] vehicle to leave, place, stand, or park the same vehicle on any street, highway, alley, walk, or other public thoroughfare within the borough on or within any area and/or zone designated as a time-limit parking area and/or zone for a period of time greater than as specified by a posted appropriate sign. **[Such vehicles found to be in violation are subject to impound at the owner or operator's expense.]**

B. In addition to the penalty provided for a violation of this title, any vehicle found parked as prohibited in this section may be removed and impounded by any police officer of the borough and the removal and impounding costs shall be charged against the offending vehicle and paid before release of such vehicle.

SEC. 9. Repeal. Sections 11.28.050, 11.28.060, and 11.28.070 of the Wrangell Municipal Code are repealed:

11.28.050 [Prohibited 24-hour parking – Impounding] Repealed.

[A. It is unlawful for the owner or operator of any motor or other vehicle to leave, place or park the same for 24 hours continuously on any street, highway, alley, walk, or other public thoroughfare within the borough that is posted or otherwise marked by an appropriate sign, or by a combination of placed and painted signs, that indicate 24-hour parking is prohibited. Signs shall be required for enforcement of this section.

B. In addition to the penalty provided for violation of this title, any vehicle found parked for 24 hours continuously as prohibited in this section shall be removed and impounded by any police officer of the borough and the removal and impounding costs shall be charged against the offending vehicle and paid before release of such vehicle.]

11.28.060 [Prohibited parking on sidewalk] Repealed.

[It is unlawful for the owner or operator of any motor or other vehicle at any time to leave, place or park the same on any sidewalk or part thereof. No sign shall be required to designate this prohibition.]

11.28.070 [Prohibited parking in licensed vehicle stand] Repealed.

[It is unlawful for the owner or operator of any motor or other vehicle, other than the licensee or permittees of the licensee, at any time to leave, place or park the same within the boundary or area or any part thereof of any licensed taxi, bus or other licensed vehicle stand.]

SEC. 10. Amendment. Sections 11.28.080, 11.28.090 and 11.28.100 of the Wrangell Municipal Code are amended to read:

11.28.080 Blocking roadway prohibited.

It is unlawful for the owner or operator of any [motor or other] vehicle, whether the same is or is not attended or occupied by any person, to stop, stand, leave or park the same in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, except momentarily during the actual loading or unloading of passengers or merchandise and such stopping does not actually impede or obstruct such vehicular traffic, or unless in obedience to traffic regulations or traffic signs or signals, or to a police officer.

**11.28.090 [Loading and unloading passengers]~~Bus Stop and Passenger Zone–~~
Parking prohibited.**

It is unlawful for the operator [or driver] of any [motor or other] vehicle to stop the same for a period of time longer than is actually necessary for the actual loading or unloading of passengers at any bus stop, or other place marked as a passenger zone, and the stop cannot interfere with a bus waiting to enter or about to enter the zone.

11.28.100 Loading and unloading materials.

It is unlawful for the owner or operator of any [motor or other] vehicle to stop, stand or park the same for a period of time longer than is actually necessary for the actual unloading and delivery or pickup and loading of material or merchandise in any place marked as a loading zone.

SEC.11. Repeal. Section 11.28.120 of the Wrangell Municipal Code is repealed:

11.28.120 [Use of parking meter zones by taxicabs]Repealed.

[It is unlawful for the driver or operator of a vehicle used as a taxicab to place, stand or park the same in front of any parking meter or in any parking meter area or zone unless such taxicab is occupied by a paying passenger, or unless waiting for the return of a paying passenger to reenter the taxicab, or unless waiting for a paying passenger who has called such taxicab.]

SEC. 12. Amendment. Sections 11.28.130 and 11.28.140 of the Wrangell Municipal Code are amended to read:

11.28.130 Method of parking – Loading permits.

Except when necessary in obedience to traffic regulations or traffic signs or signals, it shall be unlawful for the owner or operator of any [motor or other] vehicle, whether [same] it is or is not attended or occupied by any person, to stop, stand, leave or park the same in a roadway other than parallel with the curb or edge of the roadway, headed in the direction of traffic, with the curb side or edge of the roadway wheels more than 12 inches from the curb or edge of the roadway, or closer than three feet to any [motor or other] vehicle stopped or parked immediately in front thereof, excepting as provided in the following subsections:

...

11.28.140 Penalty for [overtime parking]violation.

[Any person, firm or corporation violating overtime parking provisions of this chapter or WMC 11.32.050, in addition to specific penalties therein prescribed, shall pay such fine not exceeding \$50.00 as the court shall, in its discretion, impose. The time for payment and method of payment of the penalty shall be prescribed by the court.] Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

SEC. 13. Amendment. The list of sections in Chapter 11.30, Parking Lot Regulations, of the Wrangell Municipal Code is amended to read:

**Chapter 11.30
PARKING LOT REGULATIONS**

Sections:

- 11.30.010 Off-street parking lots established.
- 11.30.020 Off-street parking lot use control.
- 11.30.030 Parking in excess of posted time limit – Parking lots.
- 11.30.040 Proper parking required – Parking lots.
- 11.30.050 Vehicles and objects prohibited – Parking lots.
- 11.30.060 **[Enforcement]** Penalty for violation.

SEC. 14. Amendment. Section 11.30.010 of the Wrangell Municipal Code is amended by changes to subsection A and the addition of a new subsection G to read:

11.30.010 Off-street parking lots established.

A. In that block bounded by Front Street, **[Outer]**Campbell Drive, Brueger Street and Lynch Street said parking lots more particularly described as Lot 17 and Lot 18, Block 1-A, Wrangell Tidelands Addition;

...

G. Heritage Harbor: Lot 2, Sealevel Subdivision II, Plat # 2015-2.

SEC. 15. Amendment. Sections 11.30.030, 11.30.040, 11.30.050, and 11.30.060 of the Wrangell Municipal Code are amended to read:

11.30.030 Parking in excess of posted time limit – Parking lots.

Any [driver or person in charge]owner or operator of a vehicle who parks or leaves such vehicle in a parking space in the herein established parking lots in excess of the time permitted is guilty of an infraction [a misdemeanor]. No person in charge of a vehicle shall park or leave such vehicle in a parking space in the herein established parking lots in excess of the posted time limit.

11.30.040 Proper parking required – Parking lots.

Every vehicle parked or left in a parking space shall be parked or left at the approximate angle indicated by the signs, lines, or other marking identifying said space, and within the space marked by the lines or other identification. Any person parking or leaving a vehicle in such a parking space in any manner contrary to this section is guilty of [a misdemeanor]an infraction.

11.30.050 Vehicles and objects prohibited – Parking Lots.

No person shall drive, pull, roll, push, or otherwise cause to be located on the public facilities any of the following vehicles or objects: [snowmobiles,]skateboards, roller skates, all terrain vehicles, tricycles, wagons, sleds, non-operating vehicles or container storage vans.

11.30.060 [Enforcement] Penalty for Violation.

[The police department shall enforce the provisions of this chapter and violators thereof shall be punished as provided in Chapter 1.20 WMC] Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

SEC. 16. Repeal. Chapter 11.32, Loading Zones, of the Wrangell Municipal Code is repealed.

**Chapter 11.32
[LOADING ZONES]
Repealed**

Sections:

- 11.32.010 [Authority to establish zones] Repealed.
11.32.020 [License – Required] Repealed.
11.32.030 [License – Issuance and conditions – Designation of space] Repealed.

- 11.32.040 [License – Fees] Repealed.
- 11.32.050 [Prohibited parking in licensed stand by others than licensee] Repealed.
- 11.32.060 [Unlawful standing of vehicles in licensed stand by licensee] Repealed.
- 11.32.070 [Unlawful use of sidewalks for vehicle stand] Repealed.
- 11.32.080 [Crossing sidewalks for ingress and egress to stand] Repealed.
- 11.32.010 [Authority to establish zones] Repealed.

[Upon recommendation by the manager, the assembly, by resolution, may establish bus stops, taxicab stands, truck loading zones and passenger loading zones in such number and places as it shall determine to be of the greatest benefit and convenience to the public.]

11.32.020 [License – Required] Repealed.

[It is unlawful for any person, firm or corporation to occupy or use any public street, highway, alley, walk, or other public thoroughfare, or any part thereof, within the borough for any taxi, bus, truck or other vehicle stand without first applying for and obtaining a license so to do from the assembly as provided by this chapter.]

11.32.030 [License – Issuance and conditions – Designation of space] Repealed.

[A. Upon application to the assembly for a licensed vehicle stand as provided in this chapter, and tender of the appropriate license fee in advance for the period of time the license is desired, which shall not be for less than six months in advance, such license may be granted or refused in the discretion of the assembly; and, if granted, the borough clerk shall issue to the licensee a special revocable license, which shall not be transferable, authorizing the exclusive use by the licensee and his permittees of the licensed area for the period of time authorized by the assembly; provided, that no such stand shall be authorized unless the written consent of the owner or lessee of the abutting property is first filed with the borough clerk; and provided, further, that any such stand may be abolished upon the written request of the owner or lessee of the abutting property, or at any time in the discretion of the assembly. Upon abolishment of any such stand, the unearned portion of the license fee, if any, shall be refunded to the licensee.

B. The chief of police of the borough, or any deputy, shall designate, or cause to be designated, by a suitable sign or by marks, the boundaries of such licensed stand, and so as to indicate that same is a licensed stand entitling the licensee to the exclusive use thereof.]

11.32.040 [License – Fees] Repealed.

[The license fees for licensed vehicle and business stands shall be as follows:

A. Taxi stands, \$5.00 per month or fraction of a month, for each 22 feet or fraction thereof, of the street used for a taxi stand;

B. Bus stands, \$8.00 per month or fraction of a month, for each 35 feet or fraction thereof, of the street used for a bus stand;

C. Other vehicle and business stands, \$5.00 per month or fraction of a month, for each 22 feet or fraction thereof, of the street used for such other vehicle stand.]

11.32.050 [Prohibited parking in licensed stand by others than licensee] Repealed.

[It is unlawful for the owner or operator of any motor or other vehicle, without the consent of the licensee, to leave, park, place or stop the same within the area, or any part thereof, of any licensed stand.]

11.32.060 [Unlawful standing of vehicles in licensed stand by licensee] Repealed.

[It is unlawful for the licensee of any licensed vehicle stand to stand, leave, place or park any motor or other vehicle at any licensed stand more than 12 inches away from the curb, or so as to extend beyond the boundaries of such stand; or to use or occupy such stand after expiration or revocation of such license; or at any other time when a valid license for such stand is not in effect.]

11.32.070 [Unlawful use of sidewalks for vehicle stand] Repealed.

[It is unlawful for the owner, proprietor or operator of any place within the borough occupied or used as a taxi, bus, truck, or other vehicle stand, whether or not such place is situated on any public street, highway, alley, or other public thoroughfare, to leave, place or park any automobile, bus, truck, or other vehicle thereon so that same or any part thereof extends onto or over any public sidewalk, street, alley, or other public thoroughfare, or any part thereof.]

11.32.080 [Crossing sidewalks for ingress and egress to stand] Repealed.

[It is unlawful for the owner, proprietor or operator of any place within the borough occupied or used as a taxi, bus, truck, or other vehicle stand, to use or occupy more than 10 feet of any public sidewalk as a driveway for ingress thereto or egress therefrom without

first applying for and obtaining a license so to do as provided in this chapter, and paying therefor a license fee of \$5.00 per month, or fraction of a month, in advance, for each 22 feet, or fraction thereof, of the sidewalk so used or occupied in excess of 10 feet.]

SEC. 17. Amendment. The list of sections in Chapter 11.36, Miscellaneous Traffic Rules, of the Wrangell Municipal Code is amended to read:

Chapter 11.36
MISCELLANEOUS TRAFFIC RULES

Sections:

- 11.36.010 [State provisions adopted by reference] Repealed.
- 11.36.020 Action by borough for damages.
- 11.36.030 [Interference at scene of accident prohibited] Repealed.
- 11.36.040 [Compliance with state law] Repealed.
- 11.36.050 [Public employees to obey traffic regulations] Repealed.
- 11.36.060 Stop when traffic obstructed.
- 11.36.070 [Driving on sidewalks – Bicycles] Bicycle Restrictions on Sidewalks.
- 11.36.080 U-turns prohibited.
- 11.36.090 [Projections on wheels or tracks prohibited] Repealed.
- 11.36.100 Dragging objects prohibited.
- 11.36.110 Projecting loads on passenger vehicles.
- 11.36.120 [Driving through funeral or other processions] Repealed.
- 11.36.130 [Passenger conduct and riding] Repealed.
- 11.36.140 [Carrying animals on outside of vehicles] Repealed.
- 11.36.150 [Injurious materials on highway prohibited] Repealed.
- 11.36.160 Use of coaster, rollerskates, skateboards, sleds and skis.
- 11.36.170 [Starting parked vehicle] Excessive Acceleration.
- 11.36.180 Penalty for Violation.

SEC. 18. Repeal. Sections 11.36.010, 11.36.030, 11.36.040 and 11.36.050 of the Wrangell Municipal Code are repealed:

11.36.010 [State provisions adopted by reference] Repealed.

[Open Container AK: AS 28.35.029

Driving While Under the Influence of Intoxicating Liquor or Drugs AK: AS
28.35.030

Implied Consent AK: AS 28.35.031
Refusal to Submit to Chemical Test AK: AS 28.35.032
Chemical Analysis of Blood AK: AS 28.35.033
Period of Revocation AK: AS 28.35.034
Reckless Driving AK: AS 28.35.400
Negligent Driving AK: AS 28.35.410
Vehicle Theft AK: AS 11.46.360 – 11.46.365
Failure to Return Rental Vehicle AK: AS 28.35.320
Action of Operator Immediately After Accident AK: AS 28.35.050
Duty of Operator to Give Information and Render Assistance AK: AS 28.35.060,
excepting subsection (c)
Examination or Impounding Before Repair AK: AS 28.35.070
Immediate Notice of Accident AK: AS 28.35.080
Rendering of Report by Others AK: AS 28.35.090
Form of Reports AK: AS 28.35.100
Penalty for False Information; Failure to Report AK: AS 28.35.110
Use of Accident Reports in Evidence AK: AS 28.35.120
False Report or Destruction of Evidence AK: AS 28.35.130
Unlawful Obstruction or Blocking of Traffic AK: AS 28.35.140
Overtaking and Passing School Bus AK: AS 28.35.145
Disobedience to Signals of Officer Regulating Traffic Unlawful AK: AS 28.35.180
Failure to Stop at Direction of Peace Officer AK: AS 28.35.182
Overtaking and Passing Certain Stationary Vehicles AK: AS 28.35.185
Disregard of a Highway Obstruction AK: AS 11.46.460
Obstruction of Highways AK: AS 11.61.150]

11.36.030 [Interference at scene of accident prohibited] Repealed.

[No person shall proceed to the scene of an accident or other emergency or stop and park a vehicle or congregate in the vicinity thereof so as to interfere with police officers or other persons performing their duties at the scene of such accident or other emergency or for the purpose of advertising or offering any service.]

11.36.040 [Compliance with state law] Repealed.

[No person shall operate any vehicle, or permit the same to be operated, on any street or highway unless such operation complies with the laws of the state.]

11.36.050 [Public employees to obey traffic regulations] Repealed.

[The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States government, the state or the borough, and it is unlawful for any driver to violate any of the provisions of this title except as otherwise permitted in this title or by state statute.]

SEC. 19. Amendment. Section 11.36.070 of the Wrangell Municipal Code is amended to read:

11.36.070 [Driving on sidewalks – Bicycles]Bicycle Restrictions on Sidewalks.

[A. The driver of any vehicle except a bicycle shall not drive within any sidewalk area except at a permanent or temporary driveway.]

[B]A. No person shall ride a bicycle upon a sidewalk within the central business traffic district or any business district.

[C]B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

SEC. 20. Repeal. Sections 11.36.090, 11.36.120, 11.36.130, 11.36.140, and 11.36.150 of the Wrangell Municipal Code are repealed.

11.36.090 [Projections on wheels or tracks prohibited] Repealed.

[No person shall drive or propel any vehicle or object upon any street or highway in the borough which has any wheel, tire or track made or equipped with spikes, cleats, lugs or other attachments or projections, except tire chains. Studded tires which fall within the exclusion from the definition of “metal tires” are not prohibited.]

11.36.120 [Driving through funeral or other processions] Repealed.

[No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this title. This provision shall not apply at the intersections where traffic is controlled by traffic-control signals or police officers.]

11.36.130 [Passenger conduct and riding] Repealed.

[A. No person shall board or alight from any vehicle while such vehicle is in motion.

B. No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.]

11.36.140 [Carrying animals on outside of vehicles] Repealed.

[It is unlawful for any person to transport any living animal on the running board, fenders, hood or other outside part of any vehicle, unless suitable harness, cage, or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom.]

11.36.150 [Injurious materials on highway prohibited] Repealed.

[A. No person shall throw or deposit upon any highway any glass, nails, tacks, wire, cans or other substance likely to injure any person, animal or vehicle upon such street or highway.

B. Any person who drops, or permits to be dropped, or thrown upon any street or highway any destructive, injurious or unsightly material shall immediately remove the same or cause it to be removed.]

SEC. 21. Amendment. Sections 11.36.160 and 11.36.170 of the Wrangell Municipal Code are amended to read:

11.36.160 Use of coaster, rollerskates, skateboards, sleds and skis.

No person upon rollerskates, skis, skateboard, or riding in or by means of any coaster, sled, toy vehicle, or similar device shall go upon any roadway except while crossing a street on a crosswalk and, when so crossing, such person shall be granted all of the rights and shall be

subject to all the duties applicable to pedestrians.

11.36.170 [Starting parked vehicle]Excessive Acceleration.

[A. No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

B. A person may not accelerate a vehicle which is stopped, standing or parked on or along the highway, street or roadway, or which is entering a highway, street or roadway so rapidly as to unnecessarily cause the tires to squeal or spin on the highway, street or roadway or on the surface on which the vehicle is standing immediately before it enters the highway, street or roadway.]

A person may not accelerate a vehicle in a manner that unnecessarily causes the tires to squeal or spin on any roadway.

SEC. 22. New Section. Chapter 11.36 of the Wrangell Municipal Code is amended by the addition of a new Section 11.36.180 to read:

11.36.180 Penalty for Violation.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

SEC. 23. Amendment. The list of sections in Chapter 11.64, Sound Trucks, of the Wrangell Municipal Code is amended to read:

Chapter 11.64
SOUND TRUCKS

Sections:

11.64.010	Permit – Required.
11.64.020	Permit – Application.
11.64.030	Permit – Issuance.
11.64.040	Regulation of noncommercial use.
11.64.050	Cancellation of permit for violations.
11.64.060	Commercial advertising prohibited.
<u>11.64.070</u>	<u>Penalty for violation.</u>

SEC. 24. New Section. Chapter 11.64, Sound Trucks, of the Wrangell Municipal Code is amended by the addition of a new Section 11.64.070 to read:

11.64.070 Penalty for Violation.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

SEC. 25. Amendment. The list of sections in Chapter 11.68, Snowmobiles, of the Wrangell Municipal Code is amended to read:

Chapter 11.68
SNOWMOBILES

Sections:

- 11.68.010 Defined.
- 11.68.020 **[Compliance with state regulations]**Registration required.
- 11.68.030 Required equipment.
- 11.68.040 **[Operation]**Snowmobile operation restricted.
- 11.68.050 Designated right-of-way.
- 11.68.060 Penalty for Violation.

SEC. 26. Amendment. Sections 11.68.020, 11.68.030 and 11.68.040 of the Wrangell Municipal Code are amended to read:

11.68.020 [Compliance with state regulations]Registration Required.

All snow machines and operators must comply with **[all] state [regulations] and borough registration.** Borough registration is required and will be valid for three years or until change of ownership. Registration fee will be \$5.00 to cover cost of the decals. The registered owner is responsible for the following provisions:

A. Must obtain the registration decals provided by the City and Borough of Wrangell that are of a light reflective material and large enough to be seen at a distance of at least 100 feet.

B. Numbered decals must be affixed on both sides of the cowl of the machine, or to a

reflective flag prior to use.

11.68.030 Required equipment.

A. The borough adopts and incorporates into its traffic code the following snow vehicle basic equipment requirements:

1. Brakes adequate to control the movement of and to stop and hold the vehicle under normal conditions of operation;
2. At least one headlamp so aimed and of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions;

3. A working taillight and brake light;

[3]4. A throttle which, when released by the hand, will return the engine speed to idle;

[4]5. An exhaust muffler in good working order.

B. Additional requirements may be adopted in the rules and regulations.

11.68.040 [Operation]Snowmobile Operation Restricted.

In addition to restricted areas of operation which may be prescribed from time to time by the state pertaining to snowmobile usage:

A. Snow machines shall not be operated:

1. Anywhere in the borough without adequate snow cover;
2. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person;
3. While under the influence of intoxicating liquor, narcotics or drugs;
4. To intentionally drive, chase, run over or kill any animal;
5. Within 100 feet of any school or hospital, unless traveling directly to or from it;

6. On or within 100 feet of any skating area or ice rink;
7. On the outdoor shooting range, borough playground, Volunteer Park ball fields, or Little League ball fields;
8. Within 75 feet of designated sledding areas. "Designated sledding area" is the entire south end of the multi-purpose field/running track. Snow machines shall not be operated 75 feet from top of the slope or 75 feet from bottom of the slope. Access for snow machines to the non-designated sledding area of the multi-purpose field/running track is provided on Second Street and Sales Street.

B. Snow machines may be operated upon the streets and alleys of the borough, except areas from, and including, Front Street to the waterfront (Zimovia Straits), and if so operated:

1. Are limited to traveling from one place to another on the most reasonable direct route possible and no person shall use the streets for recreational purposes;
2. Shall be driven on the extreme right, in single file, and in accordance with all motor vehicle regulations;
3. Shall not pass any other moving vehicle while going in the same direction upon borough streets;
4. Shall yield right-of-way to all other motor vehicles.

SEC. 27. New Section. Chapter 11.68 of the Wrangell Municipal Code is amended to by the addition of a new Section 11.68.060 to read:

11.68.060 Penalty for Violation.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

SEC. 28. Amendment. Sections 11.76.020 and 11.76.030 of the Wrangell Municipal Code are amended to read:

11.76.020 Junk vehicles unlawful.

A. It is unlawful for the registered owner or other person with legal right to possession of a junk vehicle to place or allow such vehicle to remain in public view on any property, public or private, within the borough for more than 10 days, the same being declared a public nuisance. It is also unlawful for the owner, tenant or other person in possession or control of any property to cause or allow a junk vehicle to be placed or remain in public view on such property for more than 10 days.

B. Notwithstanding the provisions of subsection (A) of this section, if the borough manager has reasonable grounds to believe that repairs can be made to render a junk vehicle operable, that the registered owner or other person entitled to possession of the vehicle is willing to undertake or have performed such repairs, that the vehicle does not pose any health or safety hazard, and that there is no reasonable means for removing the vehicle from public view while repairs are being performed, the borough manager may authorize a period of no more than 30 days for the performance of such repairs. In no case, however, may this section be construed as authorizing the operation of a junkyard or other salvage or repair business where other requirements of the law have not been met.

C. Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

11.76.030 Disposition of junk vehicles.

A. Upon observation of what appears to be a junk vehicle, the **[borough manager]**Wrangell Police Department shall give written notice by personal service or certified mail to:

1. Any or all offenders described in WMC 11.76.020(A); and
2. Any or all lienholders of record, as well as notice affixed to the vehicle. Notice affixed to the vehicle shall suffice for subsequent action if none of the offenders described in WMC 11.76.020(A) can be located and served within the 10-day period. This notice shall contain:
 - a. The street address and other information sufficient to identify the location of the vehicle;
 - b. A statement that the vehicle constitutes a public nuisance and a copy or summary of the relevant code sections;

c. A statement that if the vehicle is not removed from public view within 10 days from issuance of the notice, the borough may impound and sell or destroy the vehicle at the offender's expense; and

d. A statement that if the offender can show ability and willingness to make the repairs necessary to convert the junk vehicle into an operable vehicle, application may be made at any time before the 10 days have expired for a 30-day waiver to make the necessary repairs.

SEC. 29. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 30. Severability. If any portion 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.

SEC. 31. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: October 13, 2015.

PASSED IN SECOND READING: October 27, 2015.



David L. Jack, Mayor

ATTEST:



Kim Lane, Borough Clerk

