

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2022-04S

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 11 "VEHICLES AND TRAFFIC" OF THE SITKA GENERAL CODE BY UPDATING CHAPTER 11.75 "ALL- PURPOSE VEHICLES" BY AMENDING SECTION 11.75.040 "OPERATIONS OF APVS ON PUBLIC ROADWAYS WITHIN THE CITY AND BOROUGH"

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. PURPOSE. The purpose of this ordinance is to prohibit certain commercial uses of All-Purpose Vehicles ("APVs") on public roadways within the city and borough of Sitka. Commercial uses prohibited are ones that involve hire of the APV and are intended to include, but not be limited to, renting/leasing for driving, tours, passenger carrying, load carrying, freight carrying, pushing, and towing. Further, the intent is to prohibit certain commercial uses on the public roadways, both municipal and state, within the city and borough, not off public roadways if permitted by municipal, state, and federal law. This prohibition does not apply to uses of an APV for a business activity or employment activity when the APV is not under hire, including, but not limited to, driving to and from the business/employment or load carrying for the business/employment.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 11, entitled "Vehicles and Traffic", Chapter 11.75, entitled "All-Purpose Vehicles", at Section 11.75.040, entitled "Operations of APVs on public roadways within the city and borough", be amended by adding a new subsection to read as follows (deleted language stricken, new language underlined):

Title 11
VEHICLES AND TRAFFIC

Chapters:

11.75 All-Purpose Vehicles

Chapter 11.75
ALL-PURPOSE VEHICLES

Sections:

11.75.040 Operations of APVs on public roadways within the city and borough.

11.75.040 Operation of APVs on public roadways within the city and borough.

52 APVs may operate on the public roadways within the city and borough, subject to the following  
53 conditions:

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55 A. Driver's License. The person operating the APV must be a duly licensed driver in the  
56 state and at least 16 years of age.

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58 B. State Registration. APV must be registered as required by state law, and proof of  
59 registration must be presented upon demand as required by state law.

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61 C. Insurance. The APV must have liability insurance required by state law, and proof of  
62 insurance must be presented upon demand as required by state law.

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64 D. Safety equipment. The APV must be equipped with the appropriate safety equipment,  
65 including headlights, taillights, turn signals, muffler, throttle, fenders, brakes, rearview mirror,  
66 horn, speedometer, and seatbelts (UTVs only), all in operating order, and which meet or exceed  
67 state or municipal regulations. When driving on a public roadway within the city and borough,  
68 APVs must be equipped with:

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70 1. At least one headlight, aimed and of sufficient intensity to reveal persons and  
71 vehicles at a distance of one hundred feet ahead;

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73 2. One red light, one stop-signal light, and one red reflector, which must be  
74 mounted upon the rear or rear cowling of the APV, and the lights must be visible from a  
75 distance of at least one thousand feet to the rear, and the reflector must be visible from a  
76 distance of at least six hundred feet to the rear when directly in front of the lawful lower  
77 beams of the headlights of a vehicle or APV;

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79 3. Turn signals mounted on the front and rear of the APV, which must be visible  
80 from a distance of at least one thousand feet to the front and six hundred feet to the rear  
81 when directly in front of the lawful lower beams of the headlights of a vehicle or APV;

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83 4. An exhaust muffler in good working order, and may not use a muffler cutout,  
84 bypass, or other similar device;

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86 5. A throttle or idle spring in good working condition which, when released, will  
87 return the engine speed to idle, close the carburetor, and disengage the clutch;

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89 6. Fenders designed by the manufacturer for use by APVs on public roadways  
90 whether paved or not;

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92 7. Brakes which will control the movement, stop, and hold the APV under normal  
93 driving conditions on any grade upon which it normally may be driven, and under all  
94 conditions of loading;

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96 8. A rearview mirror in good working condition:

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98 9. A horn in good working condition;

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100 10. A speedometer in good working condition;

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102 11. Seatbelts but only required for UTVs.

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E. Protective equipment. Operators must wear protective headgear and an eye-protective device, except for UTVs equipped with seatbelts, that meet or exceed state or municipal regulations.

F. Traffic laws. The operator of an APV must observe all state and municipal laws which pertain to the operation of vehicles upon a public roadway. When driving on a public roadway within the city and borough, APVs:

1. Must stay on the correct side of the lane of traffic except when crossing the public roadway;
2. Must travel in single file, not abreast of other moving vehicles or APVs;
3. May not pass other moving vehicles or APVs;
4. May not weave in and out of traffic;
5. May not operate in any other manner that may be considered careless, reckless or negligent;
6. May not allow passengers, except for UTVs equipped with seatbelts;
7. Must not exceed the weight limit as established by the manufacturer (including cargo) and must be of a weight that the operator is able to control the movement of and to stop and hold it under normal conditions of operations;
8. May not exceed the posted speed limit;
9. Must be equipped with an engine of 250 cc or more;
10. Must be able to travel at the posted speed limit of the public roadway it travels upon;
11. Must be able to travel under two-wheel drive;
12. Must comply with noise and smoke rules as provided in SGC Section 11.44.020.
13. Must comply with rules related to obstruction to a driver's view as provided in SGC Section 11.44.030.
14. Must not travel on public roadways while towing a trailer, sled, toboggan or other object.

G. Hours of operation. Operation of an APV is prohibited on a public roadway within the city and borough from 12:00 a.m. to 5:00 a.m. of every day of the week, except when circumstances exist which justify an exception because operation of the APV was necessary or unavoidable. Exceptions are limited to non-recreational use and may only be allowed when involved in an emergency or going to or returning from employment, without detour or stop, or engaged in an employment activity, without detour or stop. There is no seasonal limitation on operation of APVs on public roadways within the city and borough.

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H. APVs may not operate on municipal parks, lands and trails without a written permit obtained under SGC Chapter 23.10.

I. Commercial uses prohibition. When driving on public roadways within the city and borough, APVs may not be used for commercial uses that involve hire of an APV, including, but not limited to, renting/leasing for driving, tours, passenger carrying, load carrying, freight carrying, pushing or towing. This prohibition does not apply to uses of an APV for a business activity or employment activity when the APV is not under hire, including, but not limited to, driving to and from the business/employment or load carrying for the business/employment.

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**5. EFFECTIVE DATE.** This ordinance shall become effective the day after the date of its passage.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska, this 12<sup>th</sup> day of April, 2022.

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Steven Eisenbeisz, Mayor

ATTEST:

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Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading – substitute ordinance: 3/22/2022

2<sup>nd</sup> and final reading: 4/12/2022

Sponsors: Knox and Mosher