

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2024-01A

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"

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 update the APV code (SGC 11.75.040) by permitting passengers on ATVs equipped with two seats by the manufacturer and removing the 12am – 5am curfew.

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 to read as follows (deleted language stricken, new language underlined):

**Title 11
VEHICLES AND TRAFFIC**

Chapters:

11.75 All-Purpose Vehicles

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**Chapter 11.75
ALL-PURPOSE VEHICLES**

Sections:

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

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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 and ATVs equipped with two seats by the manufacturer;
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 two hundred fifty 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 Section 11.44.020;
13. Must comply with rules related to obstruction to a driver's view as provided in 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 twelve a.m. to five 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 nonrecreational 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, or when traveling to and from the airport or ferry terminal for departures and arrivals, without detour or stop, or when snow plowing. There is no seasonal limitation on operation of APVs on public roadways within the city and borough.~~

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

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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 13th day of February, 2024.

Steven Eisenbeisz, Mayor

ATTEST:

Sara Peterson, MMC
Municipal Clerk

1st reading: 1/9/24
1st reading as amended: 1/23/24
2nd and final reading: 2/13/24

Sponsors: Ystad / Pike