

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"

Failed on second and final reading 4/12/2022
Vote 3-4

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.

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

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

- A. Driver's License. The person operating the APV must be a duly licensed driver in the state and at least 16 years of age.
- B. State Registration. APV must be registered as required by state law, and proof of registration must be presented upon demand as required by state law.
- C. Insurance. The APV must have liability insurance required by state law, and proof of insurance must be presented upon demand as required by state law.
- D. Safety equipment. The APV must be equipped with the appropriate safety equipment, including headlights, taillights, turn signals, muffler, throttle, fenders, brakes, rearview mirror, horn, speedometer, and seatbelts (UTVs only), all in operating order, and which meet or exceed state or municipal regulations. When driving on a public roadway within the city and borough, APVs must be equipped with:
 - 1. At least one headlight, aimed and of sufficient intensity to reveal persons and vehicles at a distance of one hundred feet ahead;
 - 2. One red light, one stop-signal light, and one red reflector, which must be mounted upon the rear or rear cowl of the APV, and the lights must be visible from a distance of at least one thousand feet to the rear, and the reflector must be visible from a distance of at least six hundred feet to the rear when directly in front of the lawful lower beams of the headlights of a vehicle or APV;
 - 3. Turn signals mounted on the front and rear of the APV, which must be visible from a distance of at least one thousand feet to the front and six hundred feet to the rear when directly in front of the lawful lower beams of the headlights of a vehicle or APV;
 - 4. An exhaust muffler in good working order, and may not use a muffler cutout, bypass, or other similar device;
 - 5. A throttle or idle spring in good working condition which, when released, will return the engine speed to idle, close the carburetor, and disengage the clutch;
 - 6. Fenders designed by the manufacturer for use by APVs on public roadways whether paved or not;
 - 7. Brakes which will control the movement, stop, and hold the APV under normal driving conditions on any grade upon which it normally may be driven, and under all conditions of loading;
 - 8. A rearview mirror in good working condition;
 - 9. A horn in good working condition;
 - 10. A speedometer in good working condition;

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11. Seatbelts but only required for UTVs.

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

154 engaged in an employment activity, without detour or stop. There is no seasonal limitation on
155 operation of APVs on public roadways within the city and borough.

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

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

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

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172 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of
173 Sitka, Alaska, this 12th day of April, 2022.

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176 _____
177 Steven Eisenbeisz, Mayor

178 ATTEST:

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180 Sara Peterson, MMC
181 Municipal Clerk

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183 1st reading – substitute ordinance: 3/22/2022

184 2nd and final reading: 4/12/2022

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186 Sponsors: Knox and Mosher
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