

Title 11

VEHICLES AND TRAFFIC*

Chapters:

- 11.04 General Provisions**
- 11.08 Definitions**
- 11.12 Administration**
- 11.28 Stopping, Standing, and Parking**
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* For statutory provisions on local regulation of traffic, see AS 28.01.010.

Chapter 11.04**GENERAL PROVISIONS**

Sections:

- 11.04.010 Adoption of State Uniform Traffic Laws.
- 11.04.020 State surcharges.
- 11.04.030 Violation – Penalty.

11.04.010 Adoption of State Uniform Traffic Laws.

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. [Ord. 673 § 5, 2000; Ord. 332 § 5, 1975; prior code § 63.01.005.]

11.04.020 State surcharges.

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). [Ord. 673 § 5, 2000.]

11.04.030 Violation – Penalty.

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. [Ord. 833 § 61, 2009; Ord. 673 § 5, 2000.]

Chapter 11.08

DEFINITIONS

Sections:

11.08.010 Chief of police regulation authority.

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. [Ord. 673 § 5, 2000; Ord. 209 § 5, 1967; prior code § 63.50.010.]

Chapter 11.12**ADMINISTRATION**

Sections:

11.12.010 Adoption of State Uniform Traffic Bail Schedule.

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. [Ord. 673 § 5, 2000.]

Chapter 11.28**STOPPING, STANDING, AND PARKING**

Sections:

- 11.28.010 Prohibited parking areas specified.
- 11.28.020 Prohibited parking places generally.
- 11.28.030 Red-painted curbs and signs.
- 11.28.040 Time-limit parking.
- 11.28.050 Prohibited 24-hour parking – Impounding.
- 11.28.060 Prohibited parking on sidewalk.
- 11.28.070 Prohibited parking in licensed vehicle stand.
- 11.28.080 Blocking roadway prohibited.
- 11.28.090 Loading and unloading passengers.
- 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.
- 11.28.130 Method of parking – Loading permits.
- 11.28.140 Penalty for overtime parking.

11.28.010 Prohibited parking areas specified.

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 curblines, 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. [Ord. 332 § 5, 1975; prior code § 63.30.010.]

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:

A. Within an intersection;

B. On a crosswalk;

C. At a bus stop;

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

E. On a sidewalk;

F. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would impede or obstruct traffic. [Ord. 209 § 5, 1967; prior code § 63.30.035(c).]

11.28.030 Red-painted curbs and signs.

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. [Ord. 332 § 5, 1975; prior code § 63.01.125.]

11.28.040 Time-limit parking.

It is unlawful for the owner or operator of any motor or other vehicle to leave, place, stand, or park the same 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. [Ord. 332 § 5, 1975; prior code § 63.30.017.]

11.28.050 Prohibited 24-hour parking – Impounding.

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. [Ord. 209 § 5, 1967; prior code § 63.30.015.]

11.28.060 Prohibited parking on sidewalk.

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. [Ord. 209 § 5, 1967; prior code § 63.30.020.]

11.28.070 Prohibited parking in licensed vehicle stand.

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. [Ord. 209 § 5, 1967; prior code § 63.30.025.]

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. [Ord. 209 § 5, 1967; prior code § 63.30.035(b).]

11.28.090 Loading and unloading passengers.

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. [Ord. 209 § 5, 1967; prior code § 63.30.035(d).]

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. [Ord. 209 § 5, 1967; prior code § 63.30.035(e).]

11.28.110 Authority to determine passenger and loading zones.

The chief of police of the borough, with the consent and direction of the borough assembly, shall determine the location of passenger and loading zones as specified in WMC 11.28.090 and 11.28.100, and shall erect and maintain suitable signs indicating the same. [Ord. 209 § 5, 1967; prior code § 63.30.035(f).]

11.28.120 Use of parking meter zones by taxicabs.

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. [Ord. 209 § 5, 1967; prior code § 63.30.035(g).]

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 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:

A. Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs; and

B. If the privilege is reasonably necessary in the conduct of the owner's business, and will not seriously interfere with or impede traffic, the chief of police of the borough, with the consent of the borough assembly, may issue a special permit, renewable annually, fixing the places where, the hours when, and the conditions under which the owner or operator of a vehicle used to transport merchandise or materials may be allowed the privilege of loading and unloading while such vehicle is backed against the curb; and it shall be unlawful for the owner or operator of any such vehicle to back against the curb to load or unload without such a permit; or to violate any of the terms or conditions of such a permit. [Ord. 209 § 5, 1967; prior code § 63.30.035(a).]

11.28.140 Penalty for overtime parking.

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. [Ord. 295 § 5, 1973; prior code § 63.30.018.]

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.
- 11.30.040 Proper parking required.
- 11.30.050 Vehicles and objects prohibited.
- 11.30.060 Enforcement.

11.30.010 Off-street parking lots established.

The assembly confirms the establishment of and/or establishes off-street parking lots as follows:

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

B. In that block bounded by Front Street, Brueger Street and Lynch Street, said parking lots more particularly described as Lot 13, Block 1-A, Wrangell Tidelands Addition;

C. Lot 17, Block 7, USS 1119, Lot 9-A, Block 7-A, subdivision of Lot 9, Block 7-A, Wrangell Tidelands Addition;

D. Reliance Harbor: Lots 36, 37, 38, Block 7, Wrangell Townsite and Lots 16, 17, Block 7-A, Wrangell Townsite and unsubdivided tidelands (02-024-104, 105, 125, 127, 311); Lot 17, Block 7, Wrangell Townsite;

E. Inner Harbor; Unsubdivided tidelands – filled;

F. Shoemaker: S.B.P.L. Subdivision (subdivision of Lot 24, USS 3403 and Tract D, ATS 1531, creating Lots 1 – 5 USS 3403 and Tract D-1, ATS 1531). [Ord. 686 § 4, 2000; Ord. 480 § 4, 1985.]

11.30.020 Off-street parking lot use control.

The assembly may establish parking time limits, prohibit parking, establish the charge if any to be made for parking or use thereof, establish the method of collection, establish speed limits, and such other matters as the assembly deems necessary for proper control and operation of municipal off-street parking lots by having appropriate signs, pavement markings, or curb markings, or a combination of the same, erected or placed thereon. When such signs or markings have been erected or so placed, it is unlawful for any person to park, or operate a vehicle in violation thereof. All assembly actions to be accomplished in this section shall be by resolution. [Ord. 480 § 4, 1985.]

11.30.030 Parking in excess of posted time limit.

Any driver or person in charge 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 a misdemeanor. [Ord. 480 § 4, 1985.]

11.30.040 Proper parking required.

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. [Ord. 480 § 4, 1985.]

11.30.050 Vehicles and objects prohibited.

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 or container storage vans. [Ord. 480 § 4, 1985.]

11.30.060 Enforcement.

The police department shall enforce the provisions of this chapter and violators thereof shall be punished as provided in Chapter 1.20 WMC. [Ord. 480 § 4, 1985.]

Chapter 11.32**LOADING ZONES**

Sections:

- 11.32.010 Authority to establish zones.
- 11.32.020 License – Required.
- 11.32.030 License – Issuance and conditions – Designation of space.
- 11.32.040 License – Fees.
- 11.32.050 Prohibited parking in licensed stand by others than licensee.
- 11.32.060 Unlawful standing of vehicles in licensed stand by licensee.
- 11.32.070 Unlawful use of sidewalks for vehicle stand.
- 11.32.080 Crossing sidewalks for ingress and egress to stand.

11.32.010 Authority to establish zones.

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. [Ord. 332 § 5, 1975; prior code § 63.01.130.]

11.32.020 License – Required.

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. [Ord. 209 § 5, 1967; prior code § 63.40.010.]

11.32.030 License – Issuance and conditions – Designation of space.

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. [Ord. 209 § 5, 1967; prior code § 63.40.015.]

11.32.040 License – Fees.

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. [Ord. 209 § 5, 1967; prior code § 63.40.020.]

11.32.050 Prohibited parking in licensed stand by others than licensee.

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. [Ord. 209 § 5, 1967; prior code § 63.40.025.]

11.32.060 Unlawful standing of vehicles in licensed stand by licensee.

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. [Ord. 209 § 5, 1967; prior code § 63.40.030.]

11.32.070 Unlawful use of sidewalks for vehicle stand.

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. [Ord. 209 § 5, 1967; prior code § 63.40.035.]

11.32.080 Crossing sidewalks for ingress and egress to stand.

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. [Ord. 209 § 5, 1967; prior code § 63.40.040.]

Chapter 11.36
MISCELLANEOUS TRAFFIC RULES
Sections:

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

11.36.010 State provisions adopted by reference.

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

[Ord. 833 § 32, 2009; Ord. 332 § 5, 1975; prior code § 63.12.010 – 63.12.115 and 63.12.215 – 63.12.240.]

11.36.020 Action by borough for damages.

The borough has a right of action for damage caused by violation of any provisions of this title, whether such provisions are fully recited or a provision of the state motor vehicle laws incorporated by reference. Damages recovered under this title shall be deposited in the general fund. [Ord. 332 § 5, 1975; prior code § 63.12.120.]

11.36.030 Interference at scene of accident prohibited.

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. [Ord. 332 § 5, 1975; prior code § 63.12.125.]

11.36.040 Compliance with state law.

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. [Ord. 332 § 5, 1975; prior code § 63.12.130.]

11.36.050 Public employees to obey traffic regulations.

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. [Ord. 332 § 5, 1975; prior code § 63.12.135.]

11.36.060 Stop when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. [Ord. 332 § 5, 1975; prior code § 63.12.145.]

11.36.070 Driving on sidewalks – Bicycles.

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

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

C. 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. [Ord. 332 § 5, 1975; prior code § 63.12.150.]

11.36.080 U-turns prohibited.

A driver of a vehicle shall not turn within a street or intersection such vehicle so as to proceed in the opposite direction upon any street. [Ord. 332 § 5, 1975; prior code § 63.12.155.]

11.36.090 Projections on wheels or tracks prohibited.

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. [Ord. 332 § 5, 1975; prior code § 63.12.165.]

11.36.100 Dragging objects prohibited.

No person shall drag or haul any timber, pipe or any other material or object along any street or highway in such a manner that a portion of such object shall rest upon or come in contact with the surface of the street or highway. [Ord. 332 § 5, 1975; prior code § 63.12.170.]

11.36.110 Projecting loads on passenger vehicles.

No passenger type vehicle shall be operated on any street or highway with any load carried thereon extending beyond the line of the hubcaps on its left side or more than eight inches beyond the line of the hubcaps on the right side. [Ord. 332 § 5, 1975; prior code § 63.12.175.]

11.36.120 Driving through funeral or other processions.

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. [Ord. 332 § 5, 1975; prior code § 63.12.180(a).]

11.36.130 Passenger conduct and riding.

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. [Ord. 332 § 5, 1975; prior code § 63.12.180(b), (c).]

11.36.140 Carrying animals on outside of vehicles.

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. [Ord. 332 § 5, 1975; prior code § 63.12.190.]

11.36.150 Injurious materials on highway prohibited.

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. [Ord. 332 § 5, 1975; prior code § 63.12.195.]

11.36.160 Use of coaster, rollerskates, sleds and skis.

No person upon rollerskates, skis, 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. [Ord. 332 § 5, 1975; prior code § 63.12.200.]

11.36.170 Starting parked vehicle.

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. [Ord. 577 § 4, 1991.]

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.

11.64.010 Permit – Required.

No person shall use any sound-amplifying device, recorded music or radio in or from any vehicle on any street or highway for the purpose of attracting the attention of persons to the sounds issued therefrom (excluding factory horn) except after receiving a permit from the chief of police. [Ord. 332 § 5, 1975; prior code § 63.12.210(a).]

11.64.020 Permit – Application.

Each person desiring to use a sound truck with its sound-amplifying equipment in operation for non-commercial purposes in the borough shall make application to, and be issued a permit by, the chief of police if the application indicates that the applicant's proposed operation meets the requirements and regulations of this chapter and if the application contains the following information:

- A. Name and home address of the applicant;
 - B. Address of place of business of applicant;
 - C. License number and motor number of the sound truck to be used by applicant;
 - D. Name and address of person who owns the sound truck;
 - E. Name and address of person having direct charge of sound truck;
 - F. Names and addresses of all persons who will use or operate the sound truck;
 - G. The purpose for which the sound truck will be used;
 - H. A general statement as to the section or sections of the borough in which the sound truck will be used;
 - I. The proposed hours of operation of the sound truck;
 - J. The number of days of proposed operation of the sound truck;
 - K. A general description of the sound-amplifying equipment which is to be used;
 - L. The maximum sound-producing power of the sound-amplifying equipment to be used in or on the sound truck, state the following:
 - 1. The wattage to be used;
 - 2. The approximate maximum distance at which the sound will be audible from the sound truck.
- [Ord. 332 § 5, 1975; prior code § 63.12.210(b).]

11.64.030 Permit – Issuance.

Within three business days of the receipt of the application, the chief of police must either approve the application and issue the permit or disapprove the application and provide the applicant a statement of the reasons for disapproval. Failure of the chief to take final action on the application within three business days of the receipt of the application shall constitute a waiver of any of the conditions or regulations of this code. [Ord. 332 § 5, 1975; prior code § 63.12.210(c).]

11.64.040 Regulation of noncommercial use.

Noncommercial use of sound trucks in the borough with sound-amplifying equipment in operation shall be subject to the following regulations:

- A. The only sounds permitted are music or human speech.
- B. Operations are permitted for four hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.
- C. Sound-amplifying equipment shall be discontinued when the truck upon which such equipment is mounted is stopped or impeded by traffic.
- D. Sound shall not be issued within 100 yards of hospitals, schools, churches holding services, or courthouses.
- E. The human speech and music amplified shall not be slanderous.
- F. The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet from the sound truck and so that said volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.
- G. No sound-amplifying equipment shall be operated with an excess of 10 watts of power input to the last stage of amplification. [Ord. 332 § 5, 1975; prior code § 63.12.210(d).]

11.64.050 Cancellation of permit for violations.

Any operation of a sound truck in violation of the terms of the application or in violation of this chapter constitutes grounds for cancellation of a permit issued under this chapter. [Ord. 332 § 5, 1975; prior code § 63.12.210(e).]

11.64.060 Commercial advertising prohibited.

No person shall operate, or cause to be operated, any sound truck for commercial sound advertising purposes in the borough with the sound-amplifying equipment in operation. [Ord. 332 § 5, 1975; prior code § 63.12.210(f).]

Chapter 11.68
SNOWMOBILES

Sections:

- 11.68.010 Defined.
- 11.68.020 Compliance with state regulations.
- 11.68.030 Required equipment.
- 11.68.040 Operation.
- 11.68.050 Designated right-of-way.

11.68.010 Defined.

“Snow vehicle” and “snowmobile” shall be used interchangeably and mean a vehicle propelled by mechanical power, supported in part by skis, belts, or cleats, and primarily designed to travel over ice or snow. [Ord. 621 § 5, 1996; Ord. 352 § 5, 1975; prior code § 63.75.010.]

11.68.020 Compliance with state regulations.

All snow machines and operators must comply with all state regulations. 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 cowling of the machine, or to a reflective flag prior to use. [Ord. 621 § 6, 1996; Ord. 352 § 5, 1976; prior code § 63.75.020.]

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 throttle which, when released by the hand, will return the engine speed to idle;
4. An exhaust muffler in good working order.

B. Additional requirements may be adopted in the rules and regulations. [Ord. 352 § 5, 1976; prior code § 63.75.030.]

11.68.040 Operation.

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 nondesignated 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. [Ord. 621 § 7, 1996; Ord. 352 § 5, 1976; prior code § 63.75.040.]

11.68.050 Designated right-of-way.

A. Unless prohibited by the state or WMC 11.68.040, the operation of snowmobiles on borough rights-of-way shall be restricted to those rights-of-way designated by the borough assembly from time to time by resolution.

B. The operation of snowmobiles on certain streets and rights-of-way within the borough shall be regulated by the adoption of resolutions. [Ord. 352 § 5, 1976; prior code §§ 63.75.050, 63.75.060.]

Chapter 11.72**IMPOUNDING VEHICLES**

Sections:

- 11.72.010 Impoundment of vehicles and/or trailers.
11.72.020 Disposition procedure.

11.72.010 Impoundment of vehicles and/or trailers.

A. Impoundment of Vehicles and/or Trailers for Violations. The chief of police, or his designee, is hereby authorized to impound any vehicle and/or trailer:

1. Considered abandoned, pursuant to AS 28.11.010, et seq.;
2. Parked in violation of any municipal ordinance, or state regulation or law;
3. Creating an unsafe condition;
4. Unlawfully blocking or obstructing the efficient movement of traffic;
5. When an arrest of the owner or operator of the vehicle is made by a law enforcement officer under conditions set forth in 13 AAC 02.345(c).

The police may, pursuant to this section, impound a vehicle and/or trailer by immobilizing it or removing or having it removed and placed in borough or commercial storage with all expenses and risks of towing and storage to be borne by the owner of such vehicle and/or trailer. The impound procedure to be followed is governed by the emergency or nonemergency facts relating to the reason for the impound and set forth in subsections (C) and (D) of this section.

B. Impound Fee. Any vehicle and/or trailer impounded by the police shall be subject to and liable for an impound fee of \$150.00, plus towing charges.

C. Nonemergency Impound Procedure.

1. Pre-Impound Hearing. This subsection applies to impoundment of vehicles and/or trailers under all circumstances not specifically set forth in subsection (D) of this section. As to any vehicle and/or trailer proposed for impoundment pursuant to this subsection by or at the request of a peace officer, or an employee authorized by the borough manager, the registered owner, or a person in lawful possession, or the record lienholders of the vehicle and/or trailer have the right to a pre-impoundment administrative hearing to determine whether there is probable cause to impound the vehicle and/or trailer. Such person must file a written demand for such a hearing with the borough within seven days after such person has learned such vehicle and/or trailer will be impounded or within seven days after the mailing of the notice required herein, whichever occurs first.

2. Notice. At least 10 days prior to impounding any vehicle and/or trailer, the police shall cause notice of the impoundment action to be taken by the police to be posted on the vehicle and/or trailer. A copy of the notice of intended impoundment shall be given to the registered owner or lawful possessor and record lienholders of the vehicle and/or trailer at his/her last known address, either by personal delivery to the person to be notified or by certified mail, return receipt requested. The giving of notice by mail is considered complete upon return of the receipt or upon return of the notice undeliverable, refused, or unclaimed. Posting of notice on the vehicle and/or trailer is sufficient even though the mailed notice is undeliverable, refused or unclaimed. Proof of the giving of notice in either manner may be made by the affidavit of the person giving the notice, naming the person to whom the notice was given and specifying the time, place, and manner of giving the notice.

D. Emergency Impound Procedure.

1. Post-Impound Hearing. This subsection applies to impoundment of vehicles and/or trailers in the following circumstances only: (a) vehicles and/or trailers blocking or obstructing the efficient movement of traffic; (b) vehicles and/or trailers creating an unsafe condition; (c) vehicles and/or trailers left unattended after an arrest of the owner or operator of the vehicle and/or trailer is made by a law enforcement officer; and (d) vehicles and/or trailers parked in violation of 13 AAC 02.340. As to any vehicle and/or

trailer proposed for impound pursuant to this subsection, by or at the request of a law enforcement officer or employee authorized by the chief of police, the owner or lawful possessor of the vehicle and/or trailer has the right to a post-impoundment administrative hearing to determine whether there was probable cause for impounding the vehicle and/or trailer if such person files a written demand for the hearing.

2. Notice. Immediately after impounding, a copy of the notice shall be personally delivered or mailed to the registered owner or lawful possessor and record lienholder of the vehicle and/or trailer at his/her last-known address in accordance with the procedures set forth in subsection (C)(2) of this section. A notice shall also be posted on the vehicle and/or trailer.

E. Contents of Notice of Impoundment. The notice shall contain the make, model and identification number of the vehicle and/or trailer, the name and address, if known, of the owner, and the location of the vehicle and/or trailer's registered owner, and set forth the statute, regulation and ordinance violated. In the event that the name and address of the owner is not known and not practically ascertainable, then the notice posted on the vehicle and/or trailer shall constitute notice. In addition to the contents of the notice set forth above, the notice for a nonemergency impound shall also contain substantially the following:

ATTENTION. As vehicle and/or trailer owners or other persons entitled to possession of impounded vehicle and/or trailers, you have the following options:

1. You may recover possession of your vehicle and/or trailer by paying to the borough the impound and towing costs.

Additional notice requirements for emergency impound:

1. If you take issue with the impoundment of your vehicle and/or trailer, you may:

a. Recover possession of the vehicle and/or trailer by paying the impound and towing fees; and

b. Demand in writing an administrative hearing before an independent hearing officer who is to determine whether there was a sufficient factual and legal basis for impounding your vehicle and/or trailer. To be entitled to such hearing, your written demand must be filed with the Borough Clerk, within (i) seven days after you learned that your vehicle and/or trailer was impounded or was missing; or (ii) within seven days after the Borough mailed notice to the vehicle and/or trailer's registered owner or lawful possessor that the vehicle and/or trailer had been impounded; whichever occurs first. The hearing must be held within 48 hours after the filing of your written demand.

A determination that there was an insufficient factual or legal basis for impounding your vehicle and/or trailer will require the borough to refund any fees paid to release the vehicle and/or trailer to you without your having to pay the towing and impound fees, otherwise all fees shall be owing. A hearing may be demanded by filing a written request with the Wrangell Chief of Police or his designee at the Police Department between 8:00 a.m. and 5:00 p.m. on any day other than Saturday, Sunday, and borough holidays.

F. Hearing. A hearing shall be conducted before an impartial hearing officer designated by the borough manager or designee, the hearing to be held within 48 hours of receipt of a written demand therefor from the person seeking the hearing unless such person waives in writing the right to a speedy hearing. Saturdays, Sundays and borough holidays are to be excluded from the calculation of the 48-hour period. The hearing officer shall be someone other than the person who will direct the impounding of the vehicle and/or trailer. The sole issue before the hearing officer shall be whether there is probable cause to impound the vehicle and/or trailer in question. "Probable cause to impound" means such a state of facts as would lead a person of ordinary care prudence to believe that there was a breach of local, state, or fed-

eral law or that the impoundment comes within the authority to impound set out above. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle and/or trailer. The borough (police) shall carry the burden of establishing that there is probable cause to impound the vehicle and/or trailer in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision and the reasons therefor shall be provided to the person demanding the hearing and the owner of the vehicle and/or trailer if such owner is not the person requesting the hearing. The hearing officer's decision shall not affect any criminal proceedings in connection with the impound in question and any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the owner or lawful possessor who has had notice to request or attend a scheduled prior post-impoundment hearing shall be deemed a waiver of the right to such hearing.

G. The hearing officer shall only determine that as to the vehicle and/or trailer in question either that there is probable cause to impound the vehicle and/or trailer or that there is no such probable cause. In the event that the hearing officer determines that there is no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, copies of which shall be given to the owner, and to the police. In the event that the hearing officer determines that there is probable cause, the hearing officer shall prepare and date a certificate of probable cause, copies of which shall be given to the owner and the police. Upon receipt of such certificate of probable cause, police may proceed with impoundment, if not already done, and disposition of the vehicle and/or trailer by removal, sale, or destruction as authorized by this chapter. [Ord. 576 § 4, 1991.]

11.72.020 Disposition procedure.

A. Notice of Sale. Any vehicle and/or trailer impounded shall be held by the borough for a period of not less than 30 days, during which the chief of police or his designee shall cause to be sent by certified mail or personal delivery a notice to the lawful or registered owner thereof. The police will exercise due diligence in attempting to notify the lawful or registered owner and shall accurately describe the vehicle and/or trailer, give the date the vehicle and/or trailer was impounded and inform the owner of the intention of the borough to sell the vehicle and/or trailer at public auction, on a day and at a place and time certain, for cash to the highest bidder, and inform the owner that at any time prior to the auction he may redeem the vehicle and/or trailer by a cash payment for all charges against the vehicle and/or trailer. The chief of police or his designee shall also publish in a newspaper of general circulation in the borough a notice describing the vehicle and/or trailer, the owner's name, if known, and the intention of the borough to sell the vehicle and/or trailer and other vehicles and/or trailers similarly described, at public auction, on a day and at a place and time certain for cash to the highest bidder, the public auction to occur not less than 10 days after publication of the notice. At any time prior to the auction, the owner may redeem the vehicle and/or trailer by a cash payment for all charges against the vehicle and/or trailer.

B. Sale. The minimum acceptable bid shall be a sum equal to the borough's charges against the vehicle and/or trailer, including the cost of all towing plus \$150.00. Upon the sale being made, the borough shall make and deliver its bill of sale, without warranty, conveying the vehicle and/or trailer to the buyer.

C. Other Disposition. If at the public sale there are not acceptable bidders for the vehicle and/or trailer, the borough may destroy, sell at private sale, or otherwise dispose of the vehicle and/or trailer. The owner shall be liable for any costs not covered by the disposition.

D. The chief of police shall keep a permanent record of all vehicles and/or trailers impounded containing date of impoundment, description of vehicle and/or trailer, cause for which impounded date of redemption, if redeemed, and amount paid upon redemption, date of letter to owner, if owner known, notice of sale, record of sale, price paid at sale and name of purchaser. [Ord. 576 § 4, 1991.]

Chapter 11.76**JUNK VEHICLES**

Sections:

- 11.76.010 Definition.
- 11.76.020 Junk vehicles unlawful.
- 11.76.030 Disposition of junk vehicles.
- 11.76.040 Disposal of junk vehicles.
- 11.76.050 Recovery of costs.
- 11.76.060 Opportunity for hearing.
- 11.76.070 Redemption.
- 11.76.080 Other rights preserved.

11.76.010 Definition.

“Junk vehicle” means a motor vehicle that is:

- A. Stripped, wrecked or otherwise inoperable due to mechanical failure, and
- B. Has not been repaired because of mechanical difficulties or because the cost of repairs required to make it operable exceeds the fair market value of the vehicles. [Ord. 648 § 5, 1998; Ord. 599 § 4, 1995.]

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. [Ord. 599 § 4, 1995.]

11.76.030 Disposition of junk vehicles.

A. Upon observation of what appears to be a junk vehicle, the borough manager 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.

B. Upon expiration of the 10-day, or 30-day period where relevant, the borough manager may impound a junk vehicle and sell it at public auction pursuant to the notice provisions of WMC 11.76.040 or may have the vehicle privately sold, crushed or otherwise destroyed without further notice. If a vehicle is destroyed, the borough manager will notify the Alaska Department of Public Safety. [Ord. 599 § 4, 1995.]

11.76.040 Disposal of junk vehicles.

Upon satisfaction of the notice requirements of this chapter, a vehicle may be disposed of by public auction 20 days after notice of the auction is published in a newspaper of general circulation in the borough. A notice shall describe the vehicle and specify the place, date and time at which it will be sold. A copy of the notice of auction will be sent to the State of Alaska, Department of Public Safety. [Ord. 599 § 4, 1995.]

11.76.050 Recovery of costs.

The costs of impounding, storing, selling and destroying junk vehicles may be charged or assessed by the borough against the vehicle, the registered owner of the vehicle, any person who has acquired legal title to the vehicle from or through the registered owner and any person who has violated WMC 11.76.020(A). [Ord. 599 § 4, 1995.]

11.76.060 Opportunity for hearing.

A person subject to liability under this chapter including any person described in WMC 11.76.020(A) and an owner or any lienholder of a junk vehicle or vehicle appearing to be a junk vehicle, before or after impoundment, shall be entitled to an administrative hearing prior to sale or destruction provided such is demanded in a signed writing delivered to the borough manager in a timely fashion at least 48 hours before the sale or destruction. Hearings shall be informal and technical rules of evidence do not apply. A person who requests a hearing may retain an attorney if he desires. The borough manager may appoint a hearing officer. Proceedings of the hearing shall be recorded. The borough manager/hearing officer shall state on the record the reasons for the decision and indicate the evidence relied on. [Ord. 599 § 4, 1995.]

11.76.070 Redemption.

A person who presents satisfactory proof of right to possession of the junk vehicle may redeem the vehicle removed under this chapter at any time before auction sale or destruction of the vehicle, by paying the charges of towing, storage, notice, other costs of impoundment and any applicable penalty. [Ord. 599 § 4, 1995.]

11.76.080 Other rights preserved.

Nothing in this chapter shall be construed as limiting the right of any person to operate a lawful junk or storage yard. [Ord. 599 § 4, 1995.]