

Title 18

TRAFFIC

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Chapter 18.04

TRAFFIC AND MOTOR VEHICLE REGULATIONS

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- 18.04.010 Definitions.
- 18.04.020 Adoption of state traffic laws and bail forfeiture schedules by reference.
- 18.04.030 (repealed)
- 18.04.040 Authority of the Department of Public Safety.
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18.04.010 Definitions. Unless otherwise expressly stated in this chapter:

A. "ABANDONED VEHICLE" means a motor vehicle left unattended in violation of §18.12.020 of this chapter.

B. "DEPARTMENT" means the Borough Department of Public Safety.

C. "HIGHWAY" means the entire width between the boundary lines of every right-of-way that is publicly maintained when a part of it is opened to the public for purposes of travel by motor vehicle, including but not limited to every street.

D. "IMPOUNDED VEHICLE" means any motor vehicle which has been taken into the possession of an authorized person or company pursuant to §18.12.050 of this chapter.

E. "JUNK VEHICLE" means any motor vehicle without a current motor vehicle registration in this or any other state and that has been wholly or partially dismantled or wrecked, or that is otherwise inoperable.

F. "MOTOR VEHICLE" means a vehicle which is self propelled except a vehicle moved by human or animal power and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, trucks, tractors, wagons, snowmachines, all terrain vehicles, go-carts, recreational vehicles, campers and trailers.

G. "OFF ROAD VEHICLE" means any vehicle that is being operated off a highway.

H. "PUBLIC PROPERTY" means any highway right of way and any interest in property held by the United States of America, State of Alaska or the Borough.

I. "SIDEWALK" means that portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines and intended for use by pedestrians.

J. "STORAGE" means the parking or leaving of a vehicle upon private or public property for more than 48 hours.

K. "TRAFFIC DEVICE" means any light, sign or other object which is intended to control, inform or aid the driver of a motor vehicle.

L. "VEHICLE" means a junk vehicle or motor vehicle.

18.04.020 Adoption of state traffic laws and bail forfeiture schedules by reference.

A. In addition to the traffic ordinances of this Title, the Borough adopts by reference all vehicle and traffic statutes and regulations of the State of Alaska creating minor offenses, as that term is defined in Minor Offense Rule 2 of the Alaska Rules of Court, as they presently exist and as they may be revised in the future, as part of the traffic code for the Borough.

B. 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 the ordinance codified in this section. 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. If an offense is not listed on these fine schedules or on another fine schedule of the Borough, 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.

18.04.030 (repealed)

18.04.040 Authority of the Department of Public Safety.

A. Officers of the Department of Public Safety are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, regulations, and ordinances.

B. In the event of a fire or other emergency, or to expedite traffic or safeguard pedestrians, officers of the Department of Public Safety may direct traffic as conditions may

require notwithstanding the provisions of the traffic laws, regulations, and ordinances.

18.04.050 Permanent Motor Vehicle and Non-Commercial Trailer Registration.

A. To the extent authorized and permitted under State law, the owner of a motor vehicle may register the motor vehicle permanently if the owner resides within the limits of the City and Borough of Yakutat.

B. To the extent authorized and permitted under State law, the owner of a non-commercial trailer may register the trailer permanently if the owner resides within the limits of the City and Borough of Yakutat.

CHAPTER 18.08

SPECIAL REGULATIONS

Sections:

- 18.08.010 Depositing snow and ice prohibited.
- 18.08.020 Defacing, destroying or removing traffic devices.
- 18.08.030 Confinement of loads.
- 18.08.040 Skateboards and similar devices.
- 18.08.050 Bicycles.
- 18.08.060 Parental and guardian responsibility.
- 18.08.070 Penalties.

18.08.010 Depositing Snow and Ice Prohibited. The deposit of any snow or ice on or against a fire hydrant or on any sidewalk or highway is prohibited.

18.08.020 Defacing, Destroying or Removing Traffic Devices.

A. No person may deface, mutilate, tamper with, or destroy any traffic device.

B. No person may remove any traffic device without the consent of the owner of such device.

18.08.030 Confinement of Loads.

A. No person may drive a motor vehicle on any highway unless the motor vehicle is constructed or loaded so as to prevent any items carried in or on the motor vehicle from dropping, shifting, leaking, or escaping.

B. No person may carry any items in or on a motor vehicle on any highway unless the items are securely covered so as to prevent them or their covering from becoming loose, detached, or in any manner becoming a hazard to other users of the highway.

C. Notwithstanding subsections (A) and (B) above, sand, water or other substances intended to control dust may be dispensed from a motor vehicle, by a State or Borough employee or contractor, for the purpose of securing traction, for highway maintenance or for dust control.

18.08.040 Skateboards and Similar Devices. No person may use a skateboard, unicycle, coaster, roller skates, or similar device upon any sidewalk.

18.08.050 Bicycles. A person operating a bicycle on a trail, path, sidewalk, or sidewalk area shall:

- A. Exercise care to avoid colliding with other persons or vehicles;
- B. Give an audible signal before overtaking and passing a pedestrian; and
- C. Yield the right-of-way to any pedestrian.

18.08.060 Parental and Guardian Responsibility. No parent or guardian of any person under the age of 18 years shall:

- A. Knowingly allow said person to violate this chapter;
- or
- B. Fail to take reasonable precautions to prevent the violation of this chapter by their child or guardian.

18.08.070 Penalty. Any violation of the provisions of this chapter shall subject the violator to a penalty as provided in §1.24.010 of the Code of the City and Borough of Yakutat.

CHAPTER 18.12

MOTOR VEHICLE IMPOUNDMENT

Sections:

- 18.12.010 Violations.
- 18.12.020 Presumption of abandonment.
- 18.12.030 Storage of junk vehicles declared a nuisance.
- 18.12.040 Exceptions.
- 18.12.050 Removal of abandoned vehicles.
- 18.12.060 Removal and Impound procedures.
- 18.12.070 Notice of removal.
- 18.12.080 Vesting of title.
- 18.12.090 Redemption.
- 18.12.100 Disposal facilities.
- 18.12.110 Disposal of impounded vehicles.
- 18.12.120 Fees.
- 18.12.130 Recovery of costs.
- 18.12.140 Towing and storage lien on impounded vehicles.
- 18.12.150 Proceeds from the sale of impounded vehicles.
- 18.12.160 Waiver of claims for damages.

18.12.010 Violations.

- A. A person may not abandon a vehicle upon a highway.
- B. A person may not abandon a vehicle upon public property or upon private property without the consent of the owner or person in lawful possession or control of the property.

18.12.020 Presumption of Abandonment.

- A. It shall be unlawful for a person to leave unattended a motor vehicle on the traveled portion or within 10 feet of the traveled portion of a highway in excess of 48 hours.
- B. It shall be unlawful for a person to leave unattended a motor vehicle on private property in excess of 24 hours or on public property in excess of 30 days without the consent of the owner of the property.
- C. It shall be unlawful to leave unattended any motor vehicle on a highway such that it disrupts the normal flow of traffic on the highway or impedes or interferes with emergency vehicle operation.
- D. Any vehicle in violation of this section is presumed to be abandoned.

18.12.030 Storage of Junk Vehicles declared a Nuisance. No person shall store or permit storage of any junk vehicle within

the City and Borough of Yakutat. The presence of a junk vehicle is hereby declared a public nuisance and a threat to public health and safety which may be abated in the manner in Chapter 11.16 of the Borough Code. A junk vehicle may also be removed in the manner provided in this Chapter.

18.12.040 Exceptions. This chapter shall not apply to: any vehicle enclosed within a garage or other fully enclosed building on private property; any vehicle held in connection with a lawfully licensed business enterprise operating in compliance with the Yakutat zoning code; and historic vehicles registered under provisions of AS 28.10.181(b).

18.12.050 Removal of Abandoned Vehicles.

A. An officer or representative of the Department of Public Safety may remove or have removed to a place of storage a vehicle presumed to be abandoned under §18.12.020 of this chapter.

B. An officer or representative of the Department of Public Safety may remove a motor vehicle, not otherwise presumed to be abandoned under this chapter, when that motor vehicle has been involved in a collision, is involved in a police investigation, is unsafe to drive, is being operated by an incapacitated driver, is being driven recklessly or is being driven negligently.

C. Any junk vehicle kept in violation of this chapter may be removed by the Department.

18.12.060 Removal and Impound Procedures.

A. Junk Vehicles, or vehicles presumed to be abandoned, located on private property may be removed and impounded only after notice to the registered owner of the motor vehicle and to the owner of the property on which the motor vehicle has been abandoned. If no registered owner exists, the abandoned vehicle may be removed with notice only to the property owner. No notice is required for vehicles located on public property.

B. The notice shall consist of a notice of intent to remove and impound.

C. An abandoned vehicle may be removed and impounded by the Chief of Police no sooner than ten days after notice is given pursuant to this section, unless sooner removal and impoundment is necessitated by health and/or safety concerns.

18.12.070 Notice of Removal. The person or company who stores an abandoned or junked vehicle at the direction of the Chief of Police shall within 30 days of impoundment, give

notice, in the manner prescribed for the giving of notice under AS 28.05.121, to the vehicle owner of record and to lienholders of record, stating the grounds for impoundment and the location of storage of the vehicle. If the vehicle is not registered in the state or the name and address of the registered or legal owner or lienholder cannot be ascertained, notice shall be given by publication in the manner prescribed in the State Rules of Court for service of process by publication.

18.12.080 Vesting of Title. Title to an impounded vehicle not reclaimed by the registered owner, a lienholder, or other person entitled to possession of the vehicle within 30 days from the notice given under §18.12.070 shall vest with the City and Borough of Yakutat, at its discretion.

18.12.090 Redemption. A person who presents satisfactory proof of ownership or right to possession may redeem an impounded vehicle at any time before sale or transfer by paying the impound fee and expenses of towing, storage, notice, and any other applicable fees or penalties imposed by law.

18.12.100 Disposal Facilities. Impounded vehicles shall be placed in a secure area designated by the Department to store and protect the impounded vehicle while awaiting its redemption, transfer or disposal.

18.12.110 Disposal of Impounded Vehicles.

A. Upon satisfaction of the notice procedures prescribed by this Title, an impounded vehicle may be transferred to and retained by the Borough, or disposed of at public auction. The auction may not occur less than 20 days after notice of the auction is published in a newspaper of general circulation in Yakutat, or if there is no such newspaper, 20 days after notice of the auction is posted in three public places within the Borough. The notice of auction must describe the vehicle and specify the place, date, and time at which it will be sold.

B. A vehicle disposed of under this section must thereafter be registered and titled under AS 28.10, and may not be subsequently sold without a certificate of title issued by the Alaska Department of Public Safety.

18.12.120 Fees.

A. An impound fee shall be set by resolution of the Assembly. The impound fee accrues any time a notice of intent to remove and impound has been issued.

B. A per day storage fee shall be set by resolution of the Assembly. The storage fee accrues from the day a vehicle is impounded.

C. Other costs and expenses incurred by the Borough as to any impounded vehicle, including the costs of insurance, ascertaining lienholders, providing requisite notice, attorney fees, and transfer or sale expenses, shall also be due and payable under §18.12.130.

D. The towing fee shall be the actual cost of the fee charged by the person who performed the towing of the vehicle. If the Borough performs the towing, a reasonable fee shall be charged, as established by the Police Chief.

18.12.130 Recovery of Costs. A person who abandons a vehicle in violation of this chapter, the lawful owner of an abandoned or junk vehicle, as shown by the records of the Alaska Department of Public Safety, whether or not the owner has complied with the provisions of AS 28.10.271, and the owner of private property from which an abandoned or junk vehicle was removed under this Chapter, whether or not that person is also the owner of or abandoned the vehicle, are jointly and severally liable to the Borough for the costs and fees set out in §18.12.120.

18.12.140 Towing and Storage Lien on Impounded Vehicles. A person authorized by contract or other official order to remove an abandoned or junked vehicle has a lien upon a vehicle towed, moved or stored by, and in, the possession of the person in accordance with AS 28.10.502.

18.12.150 Proceeds from the Sale of Impounded Vehicles. Proceeds from the sale of impounded vehicles, after deduction for the costs and expenses set out in §18.12.120, shall be deposited into the Borough's General Fund.

18.12.160 Waiver of Claims for Damages. Should a vehicle purchased at auction pursuant to §18.12.110 be damaged or destroyed prior to release, the purchaser's remedy is limited to a return of the purchase price.

Chapter 18.16

UNREGISTERED VEHICLES

Sections:

- 18.16.010 Operation of Unregistered Vehicles within Yakutat.
- 18.16.020 Officers authorized to Impound/Remove Unregistered Vehicles.
- 18.16.030 Exemptions.
- 18.16.040 Penalties.

18.16.010 Operation of Unregistered Vehicles within Yakutat. It is unlawful to operate on any street or other public place within the City and Borough of Yakutat any vehicle not registered or exempt from registration by the State of Alaska, pursuant to AS 28.10.011. Exceptions to this section are as follows:

A. Off-Highway vehicles, as defined in 13 AAC 40.010, may be operated on the extreme right of Borough-owned and maintained roadways within the City and Borough of Yakutat.

B. Off-Highway vehicles operated on the roadways specified in A above shall follow these operating rules:

1. Operators shall possess a valid Alaska Driver's License which allows him or her to drive an off-highway vehicle.

2. Headlights and tail lights shall be on at all times.

3. Mufflers and tail pipes shall be sealed and operational.

4. Vehicles shall not be operated between the hours of 10:00 p.m. to 6:00 a.m.

5. Vehicles shall not exceed 15 miles per hour.

6. Approved safety helmets shall be worn by operators and passengers.

7. Reckless operation, operating out of control, or operation in such a way to be a public nuisance is prohibited.

8. Operators shall be no less than 16 years of age unless such operator is in possession of a valid Alaska Driver's License which allows him or her to drive an off-highway vehicle.

C. Usage of Off-Highway vehicles on Federal and State managed roadways within the Borough must comply with 3 AAC 02.455. The Yakutat Police Department shall maintain and make available to the public a map demonstrating the Federal and State roadways located within the Borough Service Area.

18.16.020 Officers Authorized to Impound/Remove Unregistered Vehicles.

A. A safety officer may impound and remove to a place of safety any unregistered vehicle which:

1. Is found in the Borough and which has been reported stolen or taken without the owner's consent;

2. Is determined by the officer to be defective in equipment so as to be unsafe for driving, or on which the vehicle identification number has been removed, defaced, or otherwise altered;

3. Is operated by a driver who is drunk or under the influence of any drug.

B. When a safety officer arrests or detains the driver of an unregistered vehicle the officer shall impound and remove the vehicle to a place of safety.

C. When an unregistered vehicle is impounded and removed at the direction of a safety officer the vehicle shall be removed to a place of safety. The owner or driver may claim the vehicle by securing a written release for it from the safety officer or agency ordering it removed. A vehicle legally removed or impounded may not be released to the owner, nor may the owner secure its use, until the release of it is certified by the officer or agency directing its removal. The procedure for removal and impoundment, imposition of fees, and disposal and sale, shall be as set out in Chapter 18.12 of the Borough Code.

18.16.030 Exemptions. This chapter shall not apply to maintenance and construction vehicles that operate on public roads or property to provide street maintenance and snow removal services.

18.16.040 Penalties. Any person violating any provision of Section 18.16.010, or failing to comply with any mandatory requirement of this Chapter, is guilty of a minor offense and shall be punished by imposition of the fine established in the fine schedule set forth in Section 1.24.040 if the offense is listed in that fine schedule; if the offense is not listed in the fine schedule, the person must appear in court, and shall be punished by imposition of a fine in accordance with Section 1.24.010.