

Title 10 VEHICLES AND TRAFFIC

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Chapter 10.04 DEFINITIONS

Sections:

10.04.010 Definition of words and phrases.

10.04.010 Definition of words and phrases.

The words and phrases defined in this chapter, when used in this title, shall have the meaning respectively ascribed to them in this chapter, except when the context otherwise requires.

“Arterial street” means any U.S. or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by the council within its jurisdiction as part of a major arterial system of streets or highways.

“Authorized emergency vehicle” means vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or other governmental units as are designated or authorized by the commissioner of public safety or the city council.

“Bicycle” means every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is more than 20 inches in diameter.

“Bus” means every public vehicle (as defined in KMC 5.40.010) designed for carrying more than 17 persons, including the driver.

“Business district” means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, and public buildings which occupy at least 300 feet collectively on both sides of the highway.

“Controlled access highway” means every highway, street, or roadway in respect to which owners or occupants of abutting lands, and other persons, have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

“Crosswalk” means:

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface

“Driver” means every person who drives or is in actual physical control of a vehicle.

“Explosives” means any chemical compound or mechanical mixture which is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects of contiguous objects or of destroying life or limb.

“Flammable liquid” means any liquid having a flash point below 200 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute).

“Highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the public as a matter of right, for purposes of vehicular traffic. “Highway” herein is synonymous with “street.”

“Implement of husbandry” means every vehicle which is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of his agricultural operations.

“Intersection” means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one

another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection.

“Local authorities” means every municipal and other local board or governmental body having authority to enact laws relating to traffic under the laws of Alaska.

“Low-speed vehicle” means a motor vehicle that has four wheels that was manufactured to be capable of propelling itself and achieving a maximum speed of 25 miles per hour that has not been modified to have a maximum speed greater than 25 miles per hour, and that meets weight, equipment, and safety standards set by the state of Alaska; weight, equipment, and safety standards shall be consistent with, and may not exceed, federal standards.

“Motor-driven cycle” means a motorcycle, motor scooter, motorized bicycle or similar conveyance with a motor attached and having an engine with 50 or less cubic centimeters of displacement.

“Motor vehicle” means every vehicle which is self-propelled.

“Motorcycle” means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

“Notice of violation” means any notice denominated as a notice of violation which notifies a person that they have violated a provision of the Ketchikan Municipal Code for which a penalty of not more than a \$300.00 fine may be imposed.

“Official traffic control devices” mean all signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

“Operator” means every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

“Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

“Parking enforcement officer” means a person designated in writing by the city manager or the manager’s designee to enforce all or any part of Chapters 10.56 and 10.60 KMC and all or any rules and regulations promulgated thereunder.

“Pedestrian” means any person afoot.

“Person” means any individual, a trust, estate, company, corporation, or partnership, and any group, joint venture, or other unincorporated organization through or by means of which any business, financial operation, or venture is carried on.

“Police officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

“Private road” or “driveway” means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

“Residence district” means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences and buildings in use for business.

“Right-of-way” means the privilege of the immediate use of the roadway.

“Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term “roadway” as used herein shall refer to any such roadway separately, but not to all such roadways collectively.

“Safety zone” means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

“School bus” means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or every motor vehicle privately owned and operated for compensation for the transportation of children to or from school.

“Sidewalk” means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

“Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

“Stop” when required means complete cessation from movement.

“Stop” or stopping” when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signals.

“Street” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the public, as a matter of right, for purposes of vehicular traffic. “Street” herein is synonymous with “highway.”

“Through highway” means every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such highway in obedience to either a stop sign or a yield sign, when such signs are erected or otherwise as provided in this title.

“Traffic” means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

“Traffic authority” means the chief of police. When exercising any power granted to him by this title, the traffic authority (chief of police) shall be subject to any motion or resolution relating thereto passed by the city council.

“Traffic control signal” means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

“Urban district” means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

“Vehicle” means every device in, upon, or by which any person or property may be transported or drawn upon a highway, excepting devices moved by human power, or dogs or horses, or used exclusively upon stationary rails or tracks. (Ord. 1660 § 1, 2011; Ord. 1553 § 1, 2006; Ord. 1382 § 2, 1997; Ord. 1267 § 1, 1993; Ord. 1244 § 1, 1992; Ord. 1235 § 1, 1992; Ord. 1118 § 1, 1988; Code 1962 § 19-1. Formerly Code 1969 10.04.020 – 10.04.400)

Chapter 10.08 ADMINISTRATION

Sections:

10.08.010 Duty of police department.

10.08.020 Traffic direction authorization.

10.08.030 Fire department authority.

10.08.040 Emergency and experimental regulations.

10.08.010 Duty of police department.

It shall be the duty of the police department to enforce the street traffic regulations of this city and the state vehicle laws and regulations applicable to street traffic in this city, to make arrests for traffic violations, to investigate accidents, and to cooperate with other officers of the city in the administration of the traffic laws and regulations and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon said department by this title and any other traffic ordinances of this city. (Code 1962 § 19-2(a))

10.08.020 Traffic direction authorization.

Officers of the police department or such persons authorized by the chief of police or his designee to perform crossing guard or traffic direction duties are authorized to direct all traffic

and pedestrians by voice, hand, or signal as conditions may require, notwithstanding the provisions of the traffic laws, regulations, and ordinances. A driver of a vehicle or a pedestrian may not fail to obey a lawful order or direction of a police officer, firefighter, crossing guard, or other authorized person directing traffic. (Ord. 1504 § 1, 2004; Ord. 1393 § 1, 1998. Code 1962 § 19-2(b))

10.08.030 Fire department authority.

Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. (Code 1962 § 19-2(c))

10.08.040 Emergency and experimental regulations.

(a) The traffic authority of the city is empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days.

(b) The traffic authority may have traffic control devices tested under actual conditions of traffic. (Code 1962 § 19-3)

Chapter 10.12 OBEDIENCE TO TRAFFIC REGULATIONS

Sections:

10.12.010 Title provisions.

10.12.020 Obedience to title.

10.12.030 Obedience to police officers.

10.12.040 State traffic laws adopted by reference.

10.12.050 Traffic fine schedule – Adoption of state bail forfeiture schedule by reference.

10.12.010 Title provisions.

The provisions of this title relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except where a different place is specifically referred to in a given section. (Code 1962 § 19-4)

10.12.020 Obedience to title.

It is a misdemeanor for any person to do any act forbidden by this title or to fail to perform any act required by this title. (Code 1962 § 19-5)

10.12.030 Obedience to police officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested with authority to direct, control, or regulate traffic. (Code 1962 § 19-6)

10.12.040 State traffic laws adopted by reference.

(a) The city adopts by reference all vehicle and traffic statutes and regulations of the state of Alaska, as they presently exist and as they may be revised or amended in the future as

ordinances of the city, except felonies or those misdemeanors where conviction imposes mandatory minimal period of imprisonment in excess of 72 hours.

(b) For the offenses of operating a vehicle, aircraft or watercraft under the influence of an alcoholic beverage, inhalant, or controlled substance and refusal to submit to a chemical test the costs of imprisonment shall be paid to the city. (Ord. 1825 § 1, 2016; Ord. 1760 § 6, 2014)

10.12.050 Traffic fine schedule – Adoption of state bail forfeiture schedule by reference.

The city adopts as its traffic fine schedule the “traffic bail forfeiture schedule” and the “oversize vehicle bail 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 city adopts all amendments of those schedules that become effective after the effective date of the ordinance codified in this chapter. Citations for offenses listed on these schedules may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment to the city of the amounts listed plus the state surcharge required by AS 12.25.039 and 29.25.074. 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. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If an offense is not listed on the fine schedule, the defendant must appear in court to answer the charges. The fines established in this fine schedule may not be judicially reduced. (Ord. 1760 § 7, 2014)

Chapter 10.16 TRAFFIC CONTROL DEVICES AND SIGNALS

Sections:

10.16.010 Installation.

10.16.020 Specifications.

10.16.030 Crosswalks and safety islands – Establishment.

10.16.040 Traffic lanes.

10.16.010 Installation.

The traffic authority of the city shall have placed and maintained official traffic control signs, signals, and devices when and as required under the traffic ordinances of this city to make effective the provisions of said ordinances, and may have placed and maintained such additional traffic control signs, signals, and devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law or regulations or to guide or warn traffic.

All traffic control signs, signals, and devices established by public authority and in place on December 31, 1962, are approved, subject to change as provided in this title. (Code 1962 § 19-12)

10.16.020 Specifications.

All traffic control signs, signals, and devices shall conform to specifications approved by the state Department of Highways. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of state law or regulations or this title shall be official traffic control devices. (Ord. 750 § 1, 1971. Code 1962 § 19-13)

10.16.030 Crosswalks and safety islands – Establishment.

The traffic authority of the city is hereby authorized:

(a) To have designated and maintained, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;

(b) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians. (Ord. 1760 § 17, 2014; Code 1962 § 19-22. Formerly 10.16.120)

10.16.040 Traffic lanes.

The traffic authority of the city is authorized to have marked traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is deemed necessary. (Ord. 1760 § 17, 2014; Code 1962 § 19-23. Formerly 10.16.130)

**Chapter 10.18
ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES**

Sections:

10.18.010 Definition of electric personal assistive mobility device or EPAMD.

10.18.020 EPAMD restriction district.

10.18.030 Limited use of EPAMDs for disabled persons for mobility purposes.

10.18.040 Chapter 10.80 KMC applicable.

10.18.050 Fine schedule.

10.18.010 Definition of electric personal assistive mobility device or EPAMD.

An electrical personal assistive mobility device (“EPAMD”) shall mean a self-balancing device with two wheels not in tandem, designed to transport only one person by an electric propulsion system having a maximum speed on a paved level surface of less than 20 miles per hour. For purposes of this section, EPAMDs shall include but shall not be limited to the Segway® PT. For purposes of this section, electric or motorized wheelchairs and power chairs shall not be considered EPAMDs. (Ord. 1839 § 1, 2017)

10.18.020 EPAMD restriction district.

The use of EPAMDs is hereby prohibited, based upon the interest of safety, on all public property within the EPAMD restriction district which encompasses properties in these areas: the 1000 Block of Kennedy Street; Schoenbar Court; the 400-1000 Blocks of Water Street; Hopkins

Alley; 0-300 Blocks of Main Street, Front Street and Bawden Street; Dock Street; Mission Street; Mill Street; Creek Street; the 0-500 Blocks of Stedman Street; Thomas Street and the Spruce Mill Way and the Port of Ketchikan Water Front Promenade as more particularly shown on Exhibit A to the ordinance codified in this chapter. Public property includes but is not limited to all public ways, berths, port facilities, harbor facilities, parking lots, sidewalks, parks, plazas, bicycle paths and paths owned by and/or under the care, custody and control of the city. (Ord. 1839 § 1, 2017)

10.18.030 Limited use of EPAMDs for disabled persons for mobility purposes.

(a) An EPAMD may be used and operated on property described in KMC 10.18.020 provided such EPAMD is used and/or operated by a person disabled for mobility purposes in accordance with all the requirements established in this section.

(b) Inquiry into Use of EPAMDs by Persons Who Are Disabled For Mobility Purposes.

(1) The city may ask any person using or operating an EPAMD on such property in the city to provide evidence that the person's use or operation of the EPAMD is required because of his or her mobility disability. The city shall accept one or more of the following as evidence that a person's use or operation of an EPAMD is required because of his or her mobility disability:

(i) A valid disability parking placard or card issued by the state of Alaska presented by a person at the time of his or her use or operation of the EPAMD;

(ii) Any other valid proof of disability issued by the state of Alaska, presented by a person at the time of his or her use or operation of the EPAMD;

(iii) A verbal representation by the person on, using or operating the EPAMD that his or her use or operation of the EPAMD is required because of his or her mobility disability. However, the city may assess any penalty or take any other action authorized under this section if such person's verbal representation that his or her use or operation of the EPAMD is required because of his or her mobility disability is contradicted by observable fact, as determined by the city.

(2) Any person on, using or operating an EPAMD on such property who is unable to present the required evidence of his or her mobility disability at the time of his or her use or operation of an EPAMD as described above and as determined the by city shall be deemed in violation of the provisions of this section.

(c) Under no circumstances may any individual permitted to use EPAMDs under the provisions of this section travel in a group of more than two. When traveling in a group of two EPAMDs, such individuals shall travel only in single file and shall not travel side by side.

(d) Individuals using an EPAMD under this section shall operate it at a speed safe for the circumstances involved and consistent with the flow of pedestrian traffic. (Ord. 1839 § 1, 2017)

10.18.040 Chapter 10.80 KMC applicable.

The provisions in of Chapter 10.80 KMC regulating the operation and use of self-propelled conveyances apply to the use and operation of EPAMDs. (Ord. 1839 § 1, 2017)

10.18.050 Fine schedule.

Pursuant to KMC 1.02.110, the fine for a violation of any of the provisions of this chapter shall be \$200.00. (Ord. 1839 § 1, 2017)

**Chapter 10.24
MISCELLANEOUS REGULATIONS**

Sections:

10.24.010 Unlawful use of low-speed vehicles.

10.24.020 Low-speed vehicle permits.

10.24.030 Fine schedule for traffic offenses in this chapter.

10.24.105 Headlights.

10.24.010 Unlawful use of low-speed vehicles.

Except as may be provided otherwise in this chapter, low-speed vehicles may not be operated on streets. (Ord. 1760 § 40, 2014; Ord. 1637 § 2, 2010; Ord. 1616 § 1, 2009; Ord. 1553 § 2, 2006. Formerly 10.24.220)

10.24.020 Low-speed vehicle permits.

(a) No person shall operate or permit the operation of a low-speed vehicle owned or controlled by that person upon the streets within the city without having first obtained a low-speed vehicle permit from the city.

(b) The city manager or the manager's designee may issue a low-speed vehicle permit subject to the following terms and conditions:

(1) A permit application in the form specified by the city manager and a nonrefundable application fee of \$25.00 shall be submitted to the office of the city manager;

(2) Subject to a maximum cumulative total of 15 low-speed vehicles allowed to be operated within the city by persons holding permits, the number of low-speed vehicles operated by any one permit holder will be at the discretion of the city manager;

(3) The permitted low-speed vehicles may only operate in areas where the established speed limit is 25 miles per hour or less and may not be operated upon any city port facilities;

(4) The permitted low-speed vehicles may only be operated on streets designated by the city manager or the manager's designee in writing; and

(5) The permitted low-speed vehicles shall not be operated as a public vehicle as defined by KMC 5.40.010.

(c) All low-speed vehicle permits issued by the city manager shall expire on October 1st of each calendar year and shall not be renewed or extended beyond that date.

(d) In addition to any other penalties imposed by law, a permit issued under this section may be revoked by the city manager for any violation of the terms and conditions of the permit imposed under subsection (b) of this section by the permit holder or any person operating the low-speed vehicle with the permission of the permit holder.

(e) Denial of a permit application or revocation of a permit used under this section may be appealed to the city council by filing a written appeal with the office of the city manager within five calendar days of the date of denial or revocation and shall be heard at the next regular city council meeting occurring at least 10 calendar days after the appeal is filed.

(f) Only one permit may be issued to each holder, and no permit shall be issued to an immediate family member of the holder or any business, partnership, corporation, limited liability company or other entity in which the holder or any immediate family member of the holder has a financial interest. For purposes of this section, "immediate family" means:

- (1) The spouse of the person;
- (2) A regular member of the person's household;
- (3) A child, including a stepchild and an adoptive child, of the person and the spouse of any such child;
- (4) A parent, sibling, grandparent, aunt or uncle of the person; and
- (5) A parent or sibling of the person's spouse.

(g) No person shall operate a low-speed vehicle anywhere other than those streets designated in writing pursuant to subsection (b)(4) of this section. (Ord. 1760 §§ 40, 41, 2014; Ord. 1637 § 2, 2010; Ord. 1631 § 1, 2009; Ord. 1616 § 2, 2009. Formerly 10.24.230)

10.24.030 Fine schedule for traffic offenses in this chapter.

Pursuant to KMC 1.02.110, the following fine schedule is established for violation of this chapter. In accordance with AS 28.05.151(a), citations for the following offenses may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment to the city of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and 29.25.074. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. 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 fine amount for that offense listed below. If an offense in this chapter is not listed on the fine schedule, the defendant must appear in court to answer to the charges. These fines may not be judicially reduced.

The fine amounts listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

Sections	Offense	Fine
10.24.010	Unlawful use of low-speed vehicles	\$100.00
10.24.020(g)	Low-speed vehicle permits	\$100.00

(Ord. 1760 § 42, 2014)

10.24.105 Headlights.

(a) A motorcycle must be equipped with multibeam road lighting equipment meeting the requirements of 13 AAC 04.020(a) and (e).

(b) A motor-driven cycle must have at least one headlight mounted at a height of not more than 54 inches and not less than 24 inches, and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet when the motor-driven cycle is operated at a speed of 20 or less miles per hour, at a distance of at least 200 feet when the motor-driven cycle is operated at a speed between 20 and 30 miles per hour, and at a distance of at least 300 feet when the motor-driven cycle is operated at a speed of 30 or more miles per hour.

(c) The lights required by this section for a motor-driven cycle must be turned on at all times when the vehicle is driven upon a highway or vehicular way or area. (Ord. 1235 § 4, 1992)

Chapter 10.40

IMPOUNDMENT OF MOTOR VEHICLE – DRIVING UNDER THE INFLUENCE – REFUSAL TO SUBMIT TO CHEMICAL TEST

Sections:

10.40.010 Impoundment and forfeiture of motor vehicle.

10.40.010 Impoundment and forfeiture of motor vehicle.

(a) Definitions. The following words and phrases defined in this section shall have the meanings respectively ascribed to them in this section, except when the context otherwise requires:

(1) “Forfeiture” shall mean the loss of all interest, right and title to a vehicle.

(2) “Innocent owner” shall mean a person who was identified as the owner or co-owner on the registration records of the vehicle at the time of the violation and who neither committed the violation nor knew or should have known that the operator was or would be operating the vehicle in violation of AS 28.35.030 or 28.35.032, or as those statutes are adopted by KMC 10.12.040, or in violation of former KMC 10.40.030 or 10.40.040. A person shall not be considered an innocent owner if that person was identified as owner or co-owner: to secure a loan; to secure payments for the sale of the vehicle to another person; to secure a loan guarantee or other obligation; or to permit the purchase of a vehicle by another. A person who does not freely exercise control and use of a vehicle on a regular basis or a person who has sold a vehicle but remains identified as owner on the registration records is not an innocent owner.

(3) "Lienholder" shall mean a person who at the time of the violation had a valid security interest in the motor vehicle which was being operated.

(4) "Operator" shall mean a person who has actual physical control of a vehicle at the time of a violation.

(5) A violation occurs when a person operates a motor vehicle in violation of AS 28.35.030 or 28.35.032, or as those statutes are adopted by KMC 10.12.040, or in violation of former KMC 10.40.030 or 10.40.040, within five years of a conviction for a previous violation of any of the above statutes or ordinances or of any statute or ordinance of another jurisdiction which contains substantially similar elements, except that the other statute or ordinance may provide for a lower level of alcohol in the person's blood or breath than imposed under AS 28.35.030 or former KMC 10.40.030 or may provide for a lower level of impairment or intoxication.

(b) Forfeiture. A motor vehicle shall be subject to forfeiture and title shall then become vested in the city following either the operator's conviction in a criminal proceeding for a violation or a decision of a court in an in rem or any civil procedure that the motor vehicle was operated in violation. The forfeiture provided under this section shall not occur when an owner of said vehicle proves by a preponderance of the evidence that he/she was and remains an innocent owner, and proves that all impoundment fees, towing and storage charges have been paid. The motor vehicle shall be returned to its owner if the owner provides the proof required by this subsection.

(c) Lienholders. When a lienholder proves by a preponderance of the evidence that it obtained its security interest in the motor vehicle for valuable consideration and in good faith without knowledge of the violation, and that it neither knew nor should have known that the operator of the motor vehicle was or would be operating in violation, the lienholder shall at its option receive, within five days from the date the vehicle is forfeited and title vests in the city:

(1) An amount equal to the outstanding balance of its security interest; or

(2) The motor vehicle and title to the motor vehicle; provided, however, that the lienholder pays towing and impoundment fees; and further provided, that if the wholesale value of the motor vehicle as determined by reference to the NADA "Blue Book" exceeds the outstanding balance of the security interest, the lienholder shall also pay such difference to the city.

Prior to forfeiture of any motor vehicle, lienholders shall be given notice of and opportunity to present the evidence described above. The lienholder shall have no right to be paid under subsection (c)(1) of this section if it has not timely filed an answer in the civil in rem forfeiture action, paid towing and impound fees and posted the bond as provided in subsection (d)(3) of this section.

(d) Impoundment. In addition to any other law providing for the impoundment of motor vehicles, a motor vehicle may be impounded pending the filing of and conclusion of the criminal, in rem or other civil procedure for the forfeiture of the vehicle. Not later than 48 hours (excluding

Saturdays, Sundays, and city and federal holidays) after a vehicle and its contents have been impounded by the city under this section, the chief of police shall cause notice to be personally delivered or to be mailed to the operator and the owner of record of such vehicle as indicated in the motor vehicle records of the Alaska Department of Public Safety. Failure to timely deliver or mail said notice shall not bar an action to forfeit the vehicle and shall not be grounds for release of the vehicle from impoundment. Notice shall also be given to any lienholder of record as indicated on the motor vehicle records of the Alaska Department of Public Safety and any other persons known by the police department to be lawfully entitled to possession of the vehicle. The notice shall describe the vehicle and its contents, give the date the vehicle was impounded, state the grounds for impoundment, and the location of the place of impoundment. The notice shall also state that a written request for a hearing may be filed with the police department and that the vehicle will be released from impoundment if prior to forfeiture of the motor vehicle the owner, operator or lienholder establishes by a preponderance of the evidence that:

- (1) There is no probable cause to believe that the motor vehicle was used in violation;
- (2) The provisions of subsection (b) of this section preclude forfeiture of the motor vehicle;
- (3) A lienholder has posted bond or other security in an amount equal to the value of the motor vehicle which is conditioned upon the return of the vehicle to the city upon the city's demand and upon the assurance that the owner and operator of the vehicle will not be given possession or access to the motor vehicle; or
- (4) No criminal prosecution or in rem or other civil procedure has been commenced within the appropriate court within 20 days (excluding Saturdays, Sundays and city and federal holidays) of the date of the alleged violation. The notice shall also state that if, prior to forfeiture, a written request for a hearing is filed with the police department along with a statement setting forth the reasons why the owner, operator or lienholder believes the vehicle should be released from impoundment, a hearing will be conducted within 24 hours (excluding Saturdays, Sundays, federal and city holidays) of the police department's receipt of such request unless the right to a hearing within such 24-hour time period is waived.

The notice shall be given either by personal delivery to the person to be notified or by registered or certified mail, return receipt requested, addressed to the person at his/her address as shown on the motor vehicle records of the Alaska Department of Public Safety. Notice by personal delivery shall be completed upon delivery and notice by mail shall be deemed complete upon the return of the receipt or upon return of the notice as undeliverable, refused or unclaimed. Proof of the giving of notice in either manner may be made by affidavit of the person giving notice by personal delivery or by mail, naming the person to whom the notice was given and specifying the time, place and manner of giving notice.

Upon receipt of a proper and timely request for a hearing, hearing under this section shall be conducted in the manner provided by AS 28.05.131 and 28.05.141 except that all references to the department shall be deemed to refer to the city police department and all reference to the

commissioner or other officers of the department shall be deemed to refer to the city manager or his designee. The city manager may appoint hearing officers for the purposes set forth in this section. If upon conclusion of the hearing the hearing officer determines that there is no probable cause to believe that the motor vehicle was used in violation, the motor vehicle will be released to the registered owner without payment of impound or towing costs. If it is determined that the provisions of subsection (d)(2), (3) or (4) of this section preclude forfeiture of the motor vehicle, the vehicle shall be released to the owner, operator or lienholder upon payment of impoundment and towing costs. The decision of the hearing officer shall be final subject to appeal to the superior court under the provisions of Appellate Rule 602.

(e) Proceedings. It is not a defense in any in rem or civil proceeding brought under this section that a criminal proceeding has resulted in an acquittal or a conviction of a lesser offense. The forfeiture provided for under this section shall be in addition to any other penalty imposed by law. Questions of fact or law in any action commenced under this section shall be determined by the court sitting without a jury. Any in rem or court proceeding under this section may be held in abeyance until the conclusion of any pending criminal charges arising from the violation. The owner of any motor vehicle which is forfeited under this section shall transfer to the city title to the motor vehicle.

(f) Release of Vehicle under Agreement. The city may, in lieu of seeking forfeiture, enter into an agreement with the registered owner of the motor vehicle to release the vehicle. Any such agreement shall include:

(1) Agreement that the owner will not operate the motor vehicle until properly licensed and insured;

(2) Agreement that if the owner again uses the motor vehicle in committing a violation, the owner's interest in the motor vehicle shall, at the city's option, be forfeited to the city;

(3) Agreement that the owner shall pay all impoundment and towing fees.

(g) Disposition of Forfeited Vehicles. Vehicles which are forfeited under this section shall be disposed of by the city under the procedures for the disposition of surplus city property.

(h) Notice to Owners and Lienholders. For all such cases charged by the Ketchikan police department, the Ketchikan police department shall endeavor to notify the recorded lienholders and owners of any vehicle operated in a first offense under AS 25.35.030 or 28.35.032, or as those statutes are adopted by KMC 10.12.040, or in violation of former KMC 10.40.030 or 10.40.040, that the vehicle will be subject to forfeiture if the first offender commits a violation as defined in this chapter. Under no circumstances, however, shall a failure to receive notice or a failure to give notice under this subsection be a defense in any subsequent forfeiture action. (Ord. 1760 § 47, 2014)

Chapter 10.48 METHOD OF PARKING

Sections:

10.48.010 Curb parking.

10.48.020 Unattended motor vehicle.

10.48.030 Angle parking signs or marking.

10.48.040 Obedience to angle parking signs or markings.

10.48.050 Park in spaces marked off.

10.48.060 Permits for loading or unloading at an angle to the curb.

10.48.010 Curb parking.

Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within 18 inches of the right-hand curb. Where a street or roadway has been specifically designated and reserved for one-way traffic, vehicles may be parked with the left-hand wheels adjacent to and within 18 inches of the left-hand curb of the roadway unless prohibited by appropriate signs or marking. (Code 1962 § 19-100)

10.48.020 Unattended motor vehicle.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake thereon, and when standing upon any grade, turning the front wheels to the curb or side of the highway; provided, this section shall not prohibit delivery vehicles legally parked in a freight curb loading zone from leaving their motor vehicles running while expeditiously making their deliveries; and provided further, that this section shall not prohibit other persons leaving their vehicles running while unattended for the purpose of warming or keeping said vehicles warmed up in cold weather; and provided further, that a person, while operating or in control of a motor vehicle, may not park or willfully allow the motor vehicle to stand with its motor running if a minor child under the age of 12 years is unattended in the vehicle. (Ord. 770 § 1, 1973. Code 1962 § 19-101)

10.48.030 Angle parking signs or marking.

The traffic authority of the city shall determine upon what streets and parts of streets angle parking shall be permitted, and shall have such streets marked or signed therefor. (Code 1962 § 19-102)

10.48.040 Obedience to angle parking signs or markings.

On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (Code 1962 § 19-103)

10.48.050 Park in spaces marked off.

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off, and not on or over a line delimiting a space. (Code 1962 § 19-104)

10.48.060 Permits for loading or unloading at an angle to the curb.

(a) The traffic authority is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. The permits may be issued either to the owner or lessee of real property or to the owner of the vehicle, and shall grant to such person the privilege as therein stated and authorized herein. The traffic authority may revoke the permits at any time.

(b) It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. (Code 1962 § 19-105)

**Chapter 10.52
STOPPING FOR LOADING OR UNLOADING**

Sections:

10.52.010 Curb loading zone designation.

10.52.020 Passenger curb loading zone.

10.52.030 Freight curb loading zone.

10.52.040 Public carrier stops and stands.

10.52.050 Bus stopping, standing or parking.

10.52.060 Taxicab stopping, standing or parking.

10.52.070 Restricted use of bus and taxicab stands.

10.52.010 Curb loading zone designation.

The traffic authority of the city is authorized to determine the location of passenger and freight curb loading zones and shall designate those zones by having curbs adjacent thereto painted white and having placed and maintained appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. By the same authority, such loading zones may be discontinued.

When such a loading zone is established on the request of any person, the traffic authority shall not have signs placed until the applicant has paid to the city an amount of money estimated by the traffic authority to be adequate to reimburse the city for all costs of establishing, designating and signing the same. (Ord. 1021 § 1, 1984. Code 1962 § 19-112)

10.52.020 Passenger curb loading zone.

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes. (Code 1962 § 19-113)

10.52.030 Freight curb loading zone.

(a) No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place

marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

(b) The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone. (Ord. 664 § 1, 1965. Code 1962 § 19-114)

10.52.040 Public carrier stops and stands.

The traffic authority of the city as to public streets, or the city manager as to other city property, is authorized to establish bus stops, bus stands, municipal transit bus stops and stands, taxicab stands and stands for other passenger common-carrier motor vehicles on public streets and on city property at such locations, for such seasons and times, and in such number as the traffic authority or manager shall determine to be of the greatest benefit and convenience to the public. Every such stop or stand shall be designated by appropriate signs and have the curb adjacent thereto painted white; provided, however, that whenever any such stop is located on a through traffic lane, the stop may be designated by an appropriate sign only. (Ord. 1244 § 2, 1992; Ord. 1021 § 2, 1984; Ord. 652 § 6, 1963. Code 1962 § 19-115)

10.52.050 Bus stopping, standing or parking.

Except as provided by subsection (g) of this section, the operator of a bus shall not stop, stand or park such vehicle on any street or on any city property for the loading or unloading of passengers, baggage or cargo or for any other reason except as provided below:

- (a) **Bus Stops.** The operator of any bus may stop such vehicle in an established bus stop only for such time as passengers and their baggage are being loaded or unloaded, but in no event longer than 10 minutes.
- (b) **Bus Stand.** The operator of any bus may stop, stand or park such vehicle in an established bus stand for any reason and for either such time as is posted for the bus stand or as is otherwise in effect for other vehicles parking in adjacent parking spaces.
- (c) **Municipal Transit Bus Stops and Stands.** No person shall stop, stand, or park a bus on any street at a location established as a municipal transit bus stop or municipal transit bus stand unless said bus is owned or operated by the Ketchikan Gateway Borough under the borough's authority to provide for a public transit system or unless said bus is operated only on a fixed route, with publicly advertised and fixed schedules and fees, and is not, in the determination of the city council, a tour bus or a vehicle used for any purpose other than as part of a public transit system designed to provide dependable, frequent and convenient service to the city's residential areas. By "tour bus" is meant a bus which is: (1) used primarily for organized or guided visits; (2) used primarily for sightseeing or recreational visits to natural, cultural, historic, commercial, or industrial displays or activities; (3) advertised or solicited as available for such sightseeing or visits; or (4) scheduled or routed primarily to serve visitors who have arrived from cruise ships, ferries, or airplanes, or who are staying at hotels or motels.

(d) Passenger Curb Loading Zone. No bus may stop, stand or park in a passenger loading zone.

(e) The operator of a bus shall enter a bus stop, or bus stand, on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(f) Penalties. Any person who stops, stands or parks a bus in violation of this section shall be guilty of a violation and upon conviction thereof shall be punished by a fine in an amount not less than \$50.00.

(g) Personal Use. A bus owner may file with the city manager an application to designate one bus designed for a maximum of 17 passengers including the driver for the personal use of the owner and of the owner's spouse and children. The application shall contain such information as the city manager deems necessary including information identifying the bus and determining the ownership of the bus. Upon approval of the application, the city manager may issue a permit to the owner which shall be permanently affixed to the bus as directed by the city manager. A bus which has been designated for personal use and which, if required by the city manager, has a properly affixed permit, may be parked on public streets at places other than bus stops or bus stands when:

(1) The bus is not available for the transportation of passengers for compensation; and

(2) The bus is parked in compliance with all other parking regulations and prohibitions.

Nothing in this subsection shall permit any bus to be parked in violation of subsections (c) and (d) of this section. Nothing in this subsection shall permit any bus to be parked on city property except in such places as the city manager may provide. (Ord. 1267 §§ 1, 2, 1993; Ord. 1244 § 3, 1992; Ord. 1021 § 3, 1984; Ord. 652 § 7, 1963. Code 1962 § 19-116(a, b, c))

10.52.060 Taxicab stopping, standing or parking.

The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than a taxicab stand designated as such in the manner provided herein, except if the taxicab is on charter or except that the owners of the taxicab may use the vehicle for personal business while and if the vehicle is otherwise legally parked. Exclusive taxi parking, standing and loading areas shall be designated by appropriate signs and have the curb adjacent thereto painted white.

This provision shall not prohibit the operator of a taxicab from temporarily stopping in accordance with other stopping and parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. (Ord. 1021 § 4, 1984; Ord. 776 § 5, 1973; Ord. 756 § 5, 1972; Ord. 652 § 7, 1963. Code 1962 § 19-116(d))

10.52.070 Restricted use of bus and taxicab stands.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop or bus stand, a municipal transit bus as described in KMC 10.52.050(c) in a municipal transit bus stop or stand, or a taxicab in a taxicab stand except that the driver of a passenger vehicle other than a bus may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when:

- (a) Such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone;
- (b) Such stopping does not violate any other law or regulation; and
- (c) Such stopping does not obstruct a through traffic lane. (Ord. 1244 § 4, 1992. Code 1962 § 19-117)

Chapter 10.56

MISCELLANEOUS STOPPING, STANDING AND PARKING RESTRICTIONS

Sections:

10.56.010 Places where prohibited.

10.56.015 Permit parking on city streets.

10.56.020 Parking in streets and alleys.

10.56.030 Parking for certain purposes prohibited.

10.56.040 Parking time limits established.

10.56.045 Construction or repair parking permits.

10.56.050 Parking in excess of 24 hours prohibited.

10.56.060 Stopping, standing or parking on main-traveled part of highway.

10.56.065 Parking of nonmotorized vehicles on narrow roadways, school zones and ball field.

10.56.070 Parking in spaces reserved for the handicapped.

10.56.010 Places where prohibited.

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law, regulation or ordinance, or the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;

- (4) Within eight feet of a fire hydrant when that hydrant is directly adjacent to the curb; where a fire hydrant is recessed back from the curb, within eight feet of that point on the curb which would be crossed by a perpendicular line from the recessed hydrant to the nearest public street;
- (5) On a crosswalk;
- (6) Within 15 feet of a crosswalk or intersection unless changed by curb markings;
- (7) Within 30 feet upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the local traffic authority indicates a different length by signs or markings;
- (9) Within 15 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street; provided, that this section shall not prohibit a taxicab from making brief stops pursuant to the provisions of KMC 5.24.230(c);
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (13) At any place where official signs prohibit stopping;
- (14) All street areas adjacent to curbs painted yellow. This section shall not prohibit a taxicab from stopping to expeditiously load or unload passengers in residential areas.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful. (Ord. 1021 § 5, 1984; Ord. 816 § 1, 1974; Ord. 776 § 3, 1972; Ord. 756 § 3, 1972; Ord. 652 § 4, 1963. Code 1962 § 19-106)

10.56.015 Permit parking on city streets.

(a) Unless a valid parking permit issued by the city manager is properly attached to the vehicle, no vehicle shall be stopped, left standing or parked for more than two hours on any portion of the following streets:

- (1) Bawden Street between Mill Street and Spruce Mill Way;
- (2) Easterly side of Main Street adjacent to Lot 7AA Block 19A USS 437 between Mill Street and Spruce Mill Way;

(3) Spruce Mill Way;

which are designated by the city manager as permit parking.

Except as otherwise determined by the city manager, the parking permit required under this section shall be the same permit required for the use of those off-street parking lots which are subject to the city's permit parking requirements. The parking permit shall be attached to the vehicle at the place and in the manner prescribed by the city manager. Nothing in this section shall be interpreted to permit stopping, standing or parking of a motor vehicle at any place or at any time where such stopping, standing or parking is otherwise restricted or prohibited. (Ord. 1365(A) § 1, 1996; Ord. 1322 § 1, 1995)

10.56.020 Parking in streets and alleys.

No person shall park a vehicle in any street or alley 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; and no person shall stop, stand or park a vehicle therein in such position as to block the driveway entrance to any abutting property. (Code 1962 § 19-107)

10.56.030 Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying such vehicle for sale;
- (b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency. (Code 1962 § 19-108)

10.56.040 Parking time limits established.¹

- (a) The traffic authority of the city is authorized to establish parking time limits, or to prohibit parking, on designated streets and parts of streets, by having appropriate signs or curb markings erected or placed thereon.
- (b) When such signs or markings have been erected or so placed, it shall then be unlawful for any person to park a vehicle in violation thereof.
- (c) Notwithstanding any provision of this section, any vehicle with disabled or handicapped registration issued by the state as provided by law may be parked in any lawful parking space for a period of up to 24 hours despite shorter parking time limits established by the traffic authority or other ordinances of the city which would otherwise be applicable. (Ord. 968 § 1, 1982; Ord. 625 § 5, 1963. Code 1962 § 19-109)

10.56.045 Construction or repair parking permits.

- (a) A construction or repair parking permit shall be issued by the traffic authority of the city upon satisfactory proof that the person requesting the permit is engaged in construction or repair work and upon payment of a \$300.00 permit fee.
- (b) As used in this section, "construction or repair work" means the construction, repair, alteration, or demolition of any improvements to real property, or the maintenance or repair of

equipment or other personal property of a business, that requires transportation by vehicle of the supplies or the tools or both, needed to perform such work.

(c) A construction or repair parking permit shall be valid for a period of six months commencing with the date of issue.

(d) The time limits established pursuant to KMC 10.56.040 shall not apply to vehicles which prominently display a permit issued pursuant to this section during the time the driver of such vehicle is actually engaged in performing construction or repair work. (Ord. 1077 § 1, 1986)

10.56.050 Parking in excess of 24 hours prohibited.

No person shall stop, stand or park a vehicle or trailer, whether attended or unattended, on any street for a period longer than 24 hours unless otherwise signed. (Ord. 1320 § 1, 1995)

10.56.060 Stopping, standing or parking on main-traveled part of highway.

(a) No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the main-traveled part of a highway, except that this section shall not prohibit a taxicab from making brief stops pursuant to the provisions of KMC 5.24.230(c).

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position. (Ord. 776 § 4, 1973; Ord. 756 § 4, 1972. Code 1962 § 19-111)

10.56.065 Parking of nonmotorized vehicles on narrow roadways, school zones and ball field.

(a) Except as permitted under this section, no person shall park a trailer, boat trailer or other nonmotorized vehicle on any roadway which is:

- (1) Twenty-eight feet or less in width;
- (2) Within that area where a reduced speed zone for a school area has been posted by the traffic authority; or
- (3) Within that portion of Park Avenue and Schoenbar Road which abuts Walker Field;

and no person shall park any such trailer, boat trailer or other nonmotorized vehicle on the shoulders, berms or parking lanes of such roadways. A trailer, boat trailer or other nonmotorized vehicle shall be considered to be illegally parked under this section even if the trailer, boat trailer or other nonmotorized vehicle is hitched or otherwise connected to a motor vehicle.

(b) The traffic authority may issue permits for the temporary parking of trailers or other nonmotorized vehicles on a roadway, berm, shoulder or parking lane of a roadway where such parking would otherwise be prohibited by this section:

- (1) When necessary for the delivery or removal of furnishings, equipment, supplies and materials to or from the adjacent property;
- (2) When necessary for construction or demolition occurring on adjacent property; or

- (3) When necessary to avoid other undue hardship on the owners or residents of adjacent property or their contractors.

All permits shall state the time during which such placement, storage or keeping is permitted and a description of the location and dimensions of the area on which such temporary placement, storage or keeping is permitted.

(c) This section may be enforced in the manner provided in Chapter 10.88 KMC for the enforcement of prohibitions on parking of vehicles. The fine and penalty schedule provided for in KMC 10.88.080(a)(1) applies to violations of this section. (Ord. 1390 § 1, 1998)

10.56.070 Parking in spaces reserved for the handicapped.

(a) A person may not park a motor vehicle in a parking place reserved for a person with a disability unless:

- (1) The person operating the vehicle has a valid special permit issued to that person pursuant to AS 28.10.495;
- (2) The person operating the vehicle has parked the vehicle for the purpose of transporting a person who has a special permit issued pursuant to AS 28.10.495 and the person who has the special permit actually exits or enters the vehicle;
- (3) The motor vehicle displays a special license plate issued to a person with a disability pursuant to AS 28.10.181(d) and is operated by or used for the purpose of transporting a person with a disability; or
- (4) The motor vehicle displays a special license plate or permit issued to persons with disabilities by another state, province, territory, or country and is being operated by or used for the purpose of transporting a person with a disability.

(b) For the purposes of this section, the term “park” means the stopping or standing of a vehicle, whether occupied or not, and includes stopping or standing temporarily for the purpose of loading or unloading property or passengers. (Ord. 1467 § 1, 2002; Ord. 1076 § 1, 1986)

¹Editor’s note: This section has been editorially changed to comply with instructions received May 29, 1969.

**Chapter 10.60
PARKING LOT REGULATIONS**

Sections:

10.60.010 Parking in commercial lot.

10.60.020 Violation of commercial parking lot provision.

10.60.030 Definitions.

10.60.040 Off-street parking lots established.

10.60.050 Off-street parking lot use control.

10.60.060 Vehicles and objects prohibited on dock facilities.

10.60.010 Parking in commercial lot.

It is unlawful for any person to park or cause to be parked any motor vehicle in a commercial parking lot without the express permission of the owner or persons having control over such lot. (Code 1962 § 19-128)

10.60.020 Violation of commercial parking lot provision.

Any motor vehicle parking in violation of KMC 10.60.010, upon written request of the owner or person in control of a commercial parking lot, may be impounded in accordance with the provisions of this title. (Code 1962 § 19-129)

10.60.030 Definitions.

“Commercial parking lot,” as used in KMC 10.60.010 and 10.60.020, means an area devoted to parking space rented or devoted to the accommodation of the motor vehicles of the customers of the owner or owners of a nearby business and which has been posted by the owner or person in control thereof with a conspicuous and discernible sign designating the same as a commercial parking lot and setting forth the conditions under which motor vehicles may be parked therein. Such sign shall be approved as to size and lettering by the chief of police. (Code 1962 § 19-130)

10.60.040 Off-street parking lots established.

The city manager is authorized to establish off-street parking lots and to determine that number of parking spaces within each such lot. The city manager may also remove parking spaces from any such lots and may terminate any off-street parking lot owned or operated by the city. (Ord. 1475 § 1, 2003; Ord. 1222 § 1, 1991; Ord. 1195 § 1, 1990; Ord. 1157 § 1, 1989; Ord. 1149 § 1, 1988; Ord. 1145 § 1, 1988; Ord. 1088 § 1, 1986; Ord. 1075 § 1, 1986; Ord. 1070 § 1, 1986; Ord. 1006 § 1, 1983; Ord. 901 §§ 1, 2, 1978)

10.60.050 Off-street parking lot use control.

The city manager is authorized to establish parking time limits, prohibit parking, establish the charge to be made for parking or use thereof, establish the method of collection, establish speed limits, and such other matters as he deems necessary for proper control and operation of municipal off-street parking lots by having appropriate signs, parking meters or curb markings, or a combination of the same, erected or placed thereon. When such signs, meters or markings have been erected or so placed, it is unlawful for any person to park, or operate, a vehicle in violation thereof. (Ord. 890 § 3, 1978)

10.60.060 Vehicles and objects prohibited on dock facilities.

No person shall carry upon, drive, pull, roll, push, or otherwise cause to be located upon the dock facilities any of the following vehicles or objects: skateboards, roller skates, all terrain vehicles, tricycles, wagons, sleds, or skates. (Ord. 1118 § 3, 1988; Ord. 890 § 9, 1978)

Sections:

10.80.010 Traffic regulations applicable to bicycles, skateboards, roller blades, or other self-propelled conveyances.

10.80.020 Use of bicycles, skateboards, roller blades and other self-propelled conveyances on city property.

10.80.030 Reckless operation.

10.80.040 Negligent operation.

10.80.050 Fine schedule for traffic offenses in this chapter.

10.80.060 Exemptions.

10.80.010 Traffic regulations applicable to bicycles, skateboards, roller blades, or other self-propelled conveyances.

Every person operating a bicycle, skateboard, roller blades, or other self-propelled conveyance upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle in this title, except to the extent provided by state law, special rules in this chapter, and provisions of this title which by their nature can have no application. Nothing in this chapter shall be interpreted to permit the operation of a bicycle, skateboard, roller blades or other self-propelled conveyance anywhere such operation is prohibited by state law. (Code 1962 § 19-69)

10.80.020 Use of bicycles, skateboards, roller blades and other self-propelled conveyances on city property.

No person shall operate a bicycle, skateboard, roller blades or other self-propelled conveyance on any parking lot, park, dock or other city owned or controlled property when that property has been posted with a sign or signs restricting or prohibiting such operation. The city manager may, based upon safety concerns evidenced by documented incidents, post such signs on any property which is owned or controlled by the city. The manager's decision is appealable to the city council which may override such decision by motion. The city council's decision shall be final whether or not based upon safety concerns or documented incidents.

10.80.030 Reckless operation.

A person who operates a bicycle, skateboard, roller blades or other self-propelled conveyance in the city in a manner which creates a substantial and unjustifiable risk of harm to a person or to property is guilty of reckless operation. A substantial and unjustifiable risk is a risk of such a nature and degree that the conscious disregard of it or a failure to perceive it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

10.80.040 Negligent operation.

(a) A person who operates a bicycle, skateboard, roller blades or other self-propelled conveyance in the city in a manner which creates an unjustifiable risk of harm to a person or to property and who, as a result of the creation of the risk, actually endangers a person or property is guilty of negligent operation. An unjustifiable risk is a risk of such a nature and degree that a failure to avoid it constitutes a deviation from the standard of care that a reasonable person

would observe in the situation. Proof that a defendant actually endangered a person or property is established by showing that, as a result of the defendant's operation:

- (1) An accident occurred;
- (2) A person took evasive action or fell to avoid an accident;
- (3) A person stopped or slowed down suddenly to avoid an accident; or
- (4) A person or property was otherwise endangered.

(b) The offense of negligent operation is a lesser offense than, and included in, the offense of reckless operation, and a person charged with reckless operation may be convicted of the lesser offense of negligent operation.

10.80.050 Fine schedule for traffic offenses in this chapter.

Pursuant to KMC 1.02.110, the following fine schedule is established for violation of this chapter. In accordance with AS 28.05.151(a), citations for the following offenses may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment to the city of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and 29.25.074. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. 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 fine amount for that offense listed below. If an offense in this chapter is not listed on the fine schedule, the defendant must appear in court to answer to the charges. These fines may not be judicially reduced.

The fine amounts listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

Sections	Offense	Fine
10.80.010	Traffic Regulations Applicable	\$40.00
10.80.020	Prohibition on Posted City Property	\$25.00
10.80.030	Reckless Operation	\$100.00
10.80.040	Negligent Operation	\$75.00

(Ord. 1760 § 53, 2014)

10.80.060 Exemptions.

Except for KMC 10.80.030 and 10.80.040, this chapter shall not apply to police officers in the performance of their official duties or to persons using wheelchairs or similar devices for medical reasons.

¹For regulations pertaining to motorcycles, see KMC 10.24.090 and 10.24.100.

Chapter 10.88 ENFORCEMENT

Sections:

10.88.010 Failure to perform requirements.

10.88.020 Violations by child.

10.88.030 Vehicle owner's responsibility.

10.88.040 Penalty for violation.

10.88.050 Citations.

10.88.055 Entering complaint – Warrant issuance.

10.88.060 Registered owner responsible for violations.

10.88.070 Notices.

10.88.080 Parking violations – Schedule of fines and penalties.

10.88.085 Administrative appeal.

10.88.090 Impoundment authority – Vehicle release.

10.88.100 Impoundment notice – Vehicle disposition.

10.88.110 Fees, costs and expenses for towing, storage, impoundment and sale of vehicle and property.

10.88.010 Failure to perform requirements.

It is unlawful for any person, firm, or corporation to do any act forbidden, or to fail to perform any act required, in this title. (Code 1962 § 19-148)

10.88.020 Violations by child.

It is unlawful for a parent of a child or the guardian of a ward to authorize or knowingly to permit any such child or ward to violate any provision of this title. (Code 1962 § 19-148)

10.88.030 Vehicle owner's responsibility.

It is unlawful for any person, firm, or corporation to authorize or knowingly to permit any vehicle registered in his or its name to be driven or to stand or to be parked in violation of any provision of this title. (Code 1962 § 19-148)

10.88.040 Penalty for violation.

Unless specifically provided otherwise for a particular offense, any person, firm, or corporation who violates any provision of this title, or performs any unlawful act as defined in this title, or fails to perform any act required in this title, shall be guilty of an infraction and, upon conviction

thereof, shall be punished by a fine in any sum not to exceed \$300.00. (Ord. 1673 § 1, 2011; Ord. 744 § 7, 1971. Code 1962 § 19-148)

10.88.050 Citations.

Police officers are authorized to give notice to persons accused of violating provisions of this title and regulations adopted pursuant to this title by delivering citations to such persons or, in cases where vehicles without drivers are parked or stopped in violation of this title, by affixing such citations to the vehicles by means of which the violation occurred. When authorized by the city manager, parking enforcement officers may, by citations delivered or affixed as described above, give notice to persons accused of violations of laws and regulations governing the parking, stopping or standing of vehicles. The citations shall include at least such information as is required by law. Nothing in this section shall abridge a police officer's power to arrest any person and to take him/her into custody, or to file a complaint against him/her, at any time. (Ord. 1260 § 1, 1993. Code 1962 § 19-149)

10.88.055 Entering complaint – Warrant issuance.

In the event any person fails to comply with a citation given to such person or attached to a vehicle, the chief of police may have a complaint entered against such person; and a warrant for his arrest may be issued if the person has failed to comply with the citation or complaint. (Ord. 1260 § 2, 1993. Code 1962 § 19-152)

10.88.060 Registered owner responsible for violations.

A vehicle that is stopped, parked, or left standing in violation of any law or regulation is considered to have been stopped, parked, or left standing by any registered owner of the vehicle unless that registered owner is able to prove by satisfactory evidence that at the time of the violation the vehicle was being operated by another person without the consent of a registered owner and beyond the control of a registered owner. When a vehicle is registered to two or more owners each owner is deemed to have consented to any use of the vehicle by another registered owner and each such owner shall be deemed to have given consent to the use of the vehicle by any other person who has received the consent of any registered owner. Only the registration records of the vehicle as of the date of the violation or an acknowledgment of conveyance signed or sworn to by the alleged new owner will be accepted as satisfactory evidence that a vehicle has been sold or otherwise conveyed to a new owner. (Ord. 1260 § 3, 1993. Code 1962 § 19-151)

10.88.070 Notices.

(a) Notices of Violation. In addition to or in lieu of any other procedures provided for in this title, police officers and parking enforcement officers are authorized to give notice to persons accused of violating any provision of Chapters 10.48, 10.52, 10.56 and 10.60, or KMC 10.72.010(a), or any other prohibition, limitation or regulation of parking, standing or stopping of vehicles, by issuing notices of violation to the alleged violators or, in cases where vehicles without drivers are parked or stopped in violation of said chapters, by affixing notices of violation to the vehicles which are parked in violation. The notices of violation shall provide:

- (1) A brief description of the violation;

- (2) The registration number and/or other identification of the vehicle if available;
- (3) The approximate time and place of the violation;
- (4) The penalty for the violation;
- (5) The city office and address where the penalty may be paid;
- (6) A statement that unless an appeal is filed within 10 days from the date of the violation or the penalty is paid within 30 days of the violation an additional fee of \$15.00 will be imposed;
- (7) A brief description of the procedure for appealing the notice of violation, the office where such appeal must be filed and the time for filing an appeal;
- (8) A notice that timely payment of the penalty will waive all rights to appeal or contest the notice of violation or penalty;
- (9) A notice that the person has a right to an administrative hearing at which the person may be represented by counsel, confront and question witnesses, testify, and subpoena witnesses;
- (10) A notice that failure to timely and properly file an appeal or pay the penalty will be deemed an admission of the violation, will waive all rights to appeal or contest the notice of violation or penalty, will cause the penalty and late payment fee to become immediately due and payable; and will subject the person to additional collection costs if the penalty and fee are not paid;
- (11) Such other information as the city manager may require.

Failure to timely pay the penalty shown on the notice of violation or failure to timely and properly appeal the notice of violation shall constitute a waiver of all right to appeal or contest the notice of violation or penalty; shall be deemed an admission of the violation described in the notice of violation; and shall cause the penalty and late payment fee described in KMC 10.88.080 to become immediately due and payable. Timely payment of the penalty will waive all rights to appeal or contest the notice of violation or penalty.

(b) Additional Notice. If the penalty set forth in KMC 10.88.080 has not been paid within at least 30 days from the date the notice of violation was issued and if an appeal has not been filed, an additional notice shall be sent to the person alleged to have been in violation. The notice shall contain:

- (1) A brief description of the violation;
- (2) The registration number and/or other identification of the vehicle if available;
- (3) The approximate time and place of the violation;
- (4) A statement that the penalty and additional fee of \$15.00 is due;

(5) A statement that the time for appeal has passed unless within 10 days from the date the notice was mailed the person files a written appeal and proves to the hearing officer by satisfactory evidence that the person did not receive the notice of violation and that the failure to receive the notice was not the result of any act or omission of the person; of any registered owner of the vehicle; or of anyone else who operated the vehicle with the consent of any registered owner;

(6) A brief statement of the procedure for appealing and the office where such appeal must be filed;

(7) The city office and address where the penalty and fees may be paid;

(8) Such other information as the city manager may require. (Ord. 1260 § 4, 1993; Ord. 1118 § 5, 1988. Code 1962 § 19-150)

10.88.080 Parking violations – Schedule of fines and penalties.

(a) The following fine and civil penalty schedule shall apply to the violations listed below:

Type of Violation	Fine/Penalty
(1) Illegal and overtime parking In violation of any section of Chapters 10.48, 10.52, 10.56 or 10.60 KMC	\$20.00
(2) Parking in spaces reserved for a person with a disability KMC 10.56.070	
(A) Violations by persons operating vehicles without special permit or special license plate	\$250.00 first conviction \$500.00 subsequent convictions
(B) Violations by persons operating vehicles with special permit or special license plate	\$250.00 first conviction \$500.00 subsequent convictions
For the purposes of this subsection the term “conviction” means any violation of KMC 10.56.070, AS 28.35.235, or any ordinance of any municipality in the state of Alaska which substantially conforms to AS 28.35.235.	
(3) Illegally parked bus KMC 10.52.050	\$50.00
(4) Illegally registered vehicle KMC 10.72.010(a)	
Improperly licensed vehicle – fail to display	\$75.00
If expired	\$90.00
(5) No overnight camping KMC 10.60.050	\$100.00

(b) Late Payment Fee. Except as provided in KMC 10.88.085(b) the above fines or penalty shall be increased by an additional \$15.00 in the event that the fine or penalty is not paid in full within 30 days of the date the notice of violation or citation was issued. In computing the 30-day

period, the period during which a properly filed and timely appeal is pending shall not be considered. If a citation has been issued, the period prior to the rendering of a final sentence shall not be considered in computing the 30 days; provided, however, that the violator or presumed violator has appeared in court at the time shown on the citation and at such other times as scheduled by the court. In addition to the fines and penalties described above, the violator or presumed violator shall pay all collection and legal costs incurred in collection of a fine or penalty exclusive of: the costs of administrative appeal described in KMC 10.88.085; the costs of prosecution in the event a citation has been issued; and the costs of mailing the notice described in KMC 10.88.070(b).

(c) Collection of Fines, Penalties and Costs. An alleged violator of any of the ordinances described in subsection (a) of this section who has failed to pay all fines, penalties, late payment fees, and costs described in this section shall, upon the expiration of any time for appeal, be indebted to the city in the amount of such fines, penalties, late payment fees, and costs. In addition to or in lieu of any other provision for collection of such fines, penalties, late payment fees, and costs, the city may collect these amounts as a debt and may use such collection services and methods as are determined by the city manager. (Ord. 1558 § 1, 2006; Ord. 1467 § 2, 2002; Ord. 1337 § 1, 1996; Ord. 1260 § 5, 1993; Ord. 1244 § 5, 1992; Ord. 1009 § 1, 1983; Ord. 945 § 1, 1980)

10.88.085 Administrative appeal.

(a) Right to Appeal Notices of Violation. Any person to whom a notice of violation as described in KMC 10.88.070 has been issued and any person who is the registered owner of a vehicle to which a notice of violation was affixed may appeal the notice of violation in the manner set forth below.

(b) Time for Appeal. Within 10 days of the date the notice of violation was issued any person appealing a notice of violation shall file with the hearing officer a written appeal. A written appeal may also be filed with the hearing officer within 10 days of the date the notice described in KMC 10.88.070(b) was mailed; provided, however, that the appeal will be considered untimely unless the appellant proves to the hearing officer by satisfactory evidence that the person did not receive the notice of violation and that the failure to receive the notice was not the result of any act or omission of the person, of any other registered owner or of any other person who operated the vehicle with the consent of any registered owner. If the person appealing provides such satisfactory evidence, the person shall not be charged a late payment fee for the period prior to the date of the hearing officer's decision. Failure to file a written appeal within the time limits set forth above shall waive any right to appeal or contest the notice of violation or the penalties, fees and costs imposed for the violation.

(c) Contents of Written Appeal. The written appeal shall state:

- (1) The name and mailing address of the appellant;
- (2) The number or other sufficient identification of the notice of violation;
- (3) A description of the vehicle;

- (4) Any facts, documents, photographs, witness statements or other evidence supporting the appeal;
- (5) A statement of the reasons for the appeal;
- (6) A statement as to whether the appellant requests a hearing before an administrative hearing officer or desires to have the administrative hearing officer decide the matter without a hearing. Unless a hearing is requested, the appellant's rights to a hearing, to be represented by counsel at appellant's cost, and the opportunity to present evidence and to examine and cross-examine witnesses will be waived. If the appellant waives hearing, the hearing officer may determine the case based upon the written statements of the appellant, the issuing officer and any witnesses and upon the hearing officer's own observations;
- (7) The signature of the appellant and the date of signing; and
- (8) Such other information as the city manager may require.

The manager shall prepare appeal forms which appellant may use.

(d) Hearing Procedures.

- (1) Date. Unless otherwise agreed by the appellant and the hearing officer any hearing requested pursuant to this section shall take place no later than 15 days from the date the written notice of appeal is filed with the city.
- (2) Procedure. The administrative hearing shall be conducted informally and may be governed by such rules and procedures as the hearing officer may choose to establish, except that:
 - (A) Parties may appear in person or through counsel;
 - (B) Parties may present witnesses and evidence on their own behalf;
 - (C) Parties or their counsel may cross-examine opposing witnesses on matters relevant to the issues, impeach witnesses regardless of which party first called the witness to testify, and rebut evidence against himself;
 - (D) Relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule which makes improper the admission of the evidence over objection in a civil action. Hearsay evidence may be considered, provided there are guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence with the proponent can procure by reasonable efforts;
 - (E) All proceedings shall be open to the public;
 - (F) All parties shall have the right to subpoena witnesses and documents using a form provided by the city clerk and submitted to the clerk for issuance at least five

working days before the date of the hearing;

(G) The hearing shall be memorialized by an electronic recording or a stenographic record;

(H) Failure of an appellant to appear at a hearing when such hearing has been requested by appellant shall waive all right to a hearing and shall render the amount of the fines, penalties and costs due and owing.

(e) Scope of Review. The hearing officer's decisions shall be based solely upon the law and the facts applicable to the case. If a violation is legally determined to have occurred, the hearing officer shall not substitute his/her judgment for that of the police officer or parking enforcement officer as to whether a notice of violation should have been issued. If a violation is legally determined to have occurred, the hearing officer shall furthermore not substitute his/her judgment for the council, manager or other parking authority which enacted the regulation or ordinance and shall not reduce the penalty below that provided for under KMC 10.88.080.

(f) Decision. No later than 15 days following the hearing the hearing officer shall issue a written decision based on findings and conclusions adopted by the hearing officer. Such findings must be in writing and must be reasonably specific so as to provide interested persons and, where appropriate, reviewing authorities, a clear and precise understanding of the reasons for the decision entered. The decision, findings of fact and conclusions of law shall be forwarded to all parties to the appeal.

(g) Payment. If the hearing officer upholds the notice of violation the appellant shall pay the penalty, any applicable late fees and costs of collection.

(h) Reconsideration and Appeal. The decision of the hearing officer reached at the conclusion of a quasi-judicial proceeding or administrative hearing may be reconsidered or reheard only if:

- (1) There was substantial procedural error in the original proceedings;
- (2) The hearing officer acted without jurisdiction; or
- (3) The original decision was based on fraud or misrepresentation.

Any person seeking reconsideration or rehearing must file a request with the city clerk together with the materials supporting one or more of the grounds stated above within 15 days of the decision for which reconsideration or rehearing is requested. A rehearing shall be conducted in the same manner as the original proceeding. The decision of the hearing officer may be appealed to the superior court pursuant to the Alaska Rules of Court, Appellate Rules.

(i) Appointment of Hearing Officers. The hearing officers shall be appointed by the manager and confirmed by the council. (Ord. 1260 § 6, 1993)

10.88.090 Impoundment authority – Vehicle release.

(a) A police officer is authorized to impound and remove a vehicle and its contents from a street or other public area to a garage or other place of safety under any of the circumstances hereinafter enumerated:

- (1) When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where the vehicle constitutes an obstruction to traffic;
- (2) When a vehicle upon a street is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury or otherwise incapacitated to such an extent as to be unable to provide for its custody or removal;
- (3) When any vehicle is left unattended upon a street or other public area and is so parked or placed illegally as to constitute a hazard or obstruction to the normal movement of traffic, or to the full use or access to that area or to any fire hydrant or other emergency apparatus by authorized emergency vehicles or personnel;
- (4) When any vehicle has been parked on a street or other public area for more than one hour in excess of the time allowed for parking in such street or place;
- (5) When any vehicle which has been involved in two or more violations of this title for which notices of violation or citations have been issued and not answered or paid as required, is parked in violation of any provision of this title;
- (6) When any vehicle has been parked in a city owned or operated off-street parking lot in violation of regulations established and properly posted or marked pursuant to KMC 10.60.050, except that overtime violations shall be governed by subsection (a)(4) of this section;
- (7) When any vehicle has been parked or placed in front of a public or private driveway so as to obstruct or interfere with the proper use thereof;
- (8) When a vehicle is parked in violation of KMC 10.56.070;
- (9) When any vehicle is parked or stopped on a street or other public area:
 - (A) Where street, utility or other repairs, cleaning, maintenance, construction or snow or ice removal is scheduled to occur or is occurring;
 - (B) Where the street has been closed to vehicle parking or use due to a special event, festival or street sale permitted under KMC 9.56.040; or
 - (C) Where a street or public area has been closed for vehicle parking or use due to a parade or other temporary closing; provided, however, that, except in the case of emergency, official traffic signs stating the time during which parking is prohibited have been posted along such street or public area not less than 24 hours prior to the time the vehicle is removed. When a vehicle has been removed, pursuant to this subsection only, due to an emergency for which such signs have not been posted, the

city shall pay the costs of removal and reasonable impoundment fees unless the vehicle, its owner or operator, has significantly contributed to the cause of the emergency;

(10) When any vehicle is an imminent danger to public safety due to: defective equipment; improper storage of explosive, hazardous or flammable materials; leaking fuel; or other cause requiring the immediate removal of the vehicle to prevent contamination, explosion, fire or collision.

(b) The city may, by resolution or ordinance, fix and recover reasonable fees, costs, and expenses for the towing, storage, notice and sale, and related expenses of impounding vehicles and their contents and may contract for the providing of towing storage and conducting of the sale of impounding vehicles and their contents.

(c) Unless the impoundment is found improper under KMC 10.88.100(d), impounded vehicles shall be released back to the owner or other authorized person only after all fees, costs and charges for towing, hauling, storage and notice have been paid to the chief of police and a receipt issued therefor or, in the event towing and storage services are provided by contract with the city, upon the direction of the police department, after payment of all of the fees, costs and charges that are due. (Ord. 1245 § 1, 1992; Ord. 1243 § 1, 1992; Ord. 1118 § 6, 1988; Ord. 1076 § 2, 1986; Ord. 1020 § 1, 1984; Ord. 957 § 1, 1981; Ord. 950 § 1, 1980; Ord. 640 § 1, 1962. Code 1962 § 19-153)

10.88.100 Impoundment notice – Vehicle disposition.

(a) Not later than 24 hours, excluding Saturdays, Sundays, city and federal holidays, after a vehicle and its contents have been impounded by the city, the chief of police shall cause notice to be given to the owner of record of such vehicle as indicated in the motor vehicle records of the Alaska Department of Public Safety. Notice shall also be given to any lienholder of record as indicated on the motor vehicle records of the Alaska Department of Public Safety and any other persons known to be lawfully entitled to possession of the vehicle. The notice shall describe the vehicle and its contents, give the date the vehicle was impounded, state the grounds for impoundment, the location of the place of impoundment, and state that unless the vehicle is redeemed within 30 days after the date of the notice, title to the vehicle and its contents shall vest in the city and that the vehicle and its contents will be sold or otherwise disposed of as provided by law. The notice shall also state that if a written request for a hearing is filed with the police department within 10 days after the completion of service of the notice, a hearing will be conducted within 24 hours, excluding Saturdays, Sundays, and city holidays, to review the impoundment of the vehicle unless the right to a hearing within such 24-hour time period is waived. The right to any hearing shall be deemed waived if not timely requested as provided in this subsection.

(b) The notice referred to in subsection (a) of this section shall be given either by personal delivery to the person to be notified or by registered or certified mail, return receipt requested, addressed to the person at his address as shown on the motor vehicle records of the Alaska Department of Public Safety. Notice by personal delivery shall be complete upon delivery and notice by mail shall be deemed complete upon the return of the receipt or upon return of the

notice as undeliverable, refused or unclaimed. Proof of the giving of notice in either manner may be made by affidavit of the person giving notice by personal delivery or by mail, naming the person to whom the notice was given and specifying the time, place and manner of giving notice.

(c) Any hearing under this section shall be conducted in the manner provided by AS 28.05.131 and 28.05.141 except that all references to the department shall be deemed to refer to the city police department and all references to the commissioner or other officers of the department shall be deemed to refer to the city manager or his designee.

(d) If the hearing officer finds that the impounding officer has not shown that the impoundment was proper, the vehicle shall be released to the registered owner and no charges shall be imposed for any towing or storage charges accrued prior to the time the hearing officer finds the impound improper.

(e) Title to an impounded vehicle and its contents shall vest in the city 30 days after notice is complete unless a hearing is requested pursuant to subsection (a) of this section and in such event title shall vest upon determination that the impoundment was proper.

(f) A person who presents satisfactory proof of ownership or right to possession may redeem an impounded vehicle at any time before sale or other disposition thereof by paying the fees and charges of towing, storage, notice and any other costs of impoundment or applicable penalties imposed by law. The right of redemption provided for in this subsection is in addition to the right of a person to obtain the release of an impounded vehicle after hearing pursuant to subsection (d) of this section. (Ord. 1243 § 1, 1992; Ord. 1020 § 2, 1984; Ord. 957 § 2, 1981; Ord. 660 § 1, 1964. Code 1962 § 19-154)

10.88.110 Fees, costs and expenses for towing, storage, impoundment and sale of vehicle and property.

The fees for towing, storage, impoundment, notice and sale of impounded vehicles are as set forth in subsections (a) through (f) of this section, except when the city has entered into a contract for performing such services, in which event the fees and rates set forth and established in the contract as on file in the office of the city clerk and available for public inspection and copying shall control over those set forth in this section to the extent such are inconsistent with, or in addition to, those provided for herein.

(a) Towing and Related Services.

Service	Day Rate	Night Rate
(1) Towing to general storage facility	In accordance with Item 1910 and Item 3820 of Tariff 11-B, issued by the Alaska Carrier's Association and on file with the Alaska Transportation Commission, as in effect on February 1, 1981, a copy of which is on file and is available for public inspection in the office of the city clerk.	

Service	Day Rate	Night Rate
(2) Other towing general storage facility	In accordance with Item 1910 and Item 3820 of Tariff 11-B, issued by the Alaska Carrier's Association and on file with the Alaska Transportation Commission, as in effect on February 1, 1981, a copy of which is on file and is available for public inspection in the office of the city clerk.	

(b) Storage.

- (1) Entrance fee: \$7.00 per vehicle;
- (2) Storage: \$5.00 per day or any part thereof, commencing 24 hours after custody taken.

(c) Release.

- (1) The fees for release of a vehicle at the request of the owner or his designee after towing services have been requested but prior to the vehicle being towed away shall be as follows:

Day Rate	\$20.00
Night Rate	\$30.00

- (2) A fee of \$15.00, in addition to any other fees or charges otherwise due, shall be charged for release of a vehicle during the period commencing 6:00 p.m. and ending at 8:00 a.m. in the following morning, provided no such additional fee shall be required for a release pursuant to subsection (c)(1) of this section.

(d) Notice. Pro-rata costs based upon actual costs of giving notice.

(e) Sale. Pro-rata costs based upon actual cost of sale.

(f) Definitions. As used in this section:

"Day rate" means the rate for service which is called for between the hours of 8:00 a.m. and 5:00 p.m. on all days except Saturdays, Sundays, and holidays as defined in Tariff 11-B, issued by Alaska Carrier's Association on September 8, 1978, at page 18, a copy of which is on file and is available for public inspection in the office of the city clerk.

"Entrance fee" means the charge for all vehicles delivered to the contractor's impound lot by anyone other than the contractor or his agents.

"Night rate" means the rate for any service called for at a time, or on a day, during which the day rate does not apply. (Ord. 1016 § 1, 1984; Ord. 957 § 3, 1981)