

TITLE 10

VEHICLES AND TRAFFIC^{1/}

Chapters:

10.05 General Provisions

10.10 Recreational and All-Terrain Vehicles

10.20 Vehicles for Hire

^{1/} See AS 28 as to state motor vehicle regulations.

Chapter 10.05 -- General Provisions^{1/}

Sections:

- 10.05.010 Adoption of city motor vehicle laws.**
- 10.05.015 Prohibitions, generally.**
- 10.05.020 Speed limits; Stop signs.**

10.05.010 Adoption of city motor vehicle laws. The city does hereby adopt the Alaska State Statutes Title 28 and the Alaska Administrative Code Chapter 13 for its use by the King Cove Police Department for the enforcement of traffic safety. (Ord. 78-02, 1978; Ord. 86-08 § 4, 1986)

10.05.015 Prohibitions, generally. It shall be unlawful for any person within the city limits of King Cove to include that portion of the road known as the "Small Boat Harbor Road", to operate any:

1. motor-driven vehicle, including motor scooters, motorcycles, motor-driven bicycles, snowmobiles, snow planes, wheeled and/or tracked vehicles, at a speed exceeding 20 miles per hour or as otherwise posted by the Department of Public Safety of King Cove;
2. vehicle with faulty equipment as so provided for in the Alaska Unified Traffic Code;
3. vehicle, whether water- or land-based, under the influence of alcohol or drugs;
4. motor vehicle, other than three-wheelers, motorcycles, motor-driven bicycles, snowmobiles, snow planes or other two/three-wheeled vehicles, without an operator's license as required by Alaska Statutes;
5. motor-driven vehicle upon the boardwalks of the City of King Cove except in cases of emergency. (Ord. 78-01 (part), 1978; Ord. 82-12 § 4, 1982)

10.05.020 Speed limits: Traffic signs.^{2/} Maximum speed limits and location of traffic signs for vehicular traffic are hereby adopted in accordance with the map enacted September 25, 1986. This map can be updated and modified at the direction of the mayor and with approval of the city council. (Ord. 82-07 § 4 1981; Ord. 87-02 § 4, 1986; Ord. 92-4 § 3, 1992; Ord. 94-4 § 3, 1994)

^{1/} See § 11.10.290 prohibiting the operation of vehicles in certain areas of the small boat harbor.

^{2/} Reference map on file in the city clerk's office.

Chapter 10.10 -- Recreational and All-Terrain Vehicles^{1/}

Sections:

- 10.10.010 Definitions.
- 10.10.015 Conditions for operation upon public streets.
- 10.10.020 Prohibitions on areas of operation.
- 10.10.025 Registration required.
- 10.10.030 Inspection.
- 10.10.035 Citation for defective equipment.
- 10.10.040 Prohibitions on riding all-terrain vehicles.
- 10.10.045 Penalties.

10.10.010 Definitions.

All-Terrain Vehicle: The term "all terrain vehicle" is used to describe snow machines, motorcycles and motor-driven cycles as described in this section and all such vehicles as defined are subject to the provisions of this chapter.

Motorcycle: In this chapter "motorcycle" means a vehicle having a seat or saddle for the use of the rider and designed to travel on not more than two wheels in contact with the ground.

Motor-Driven Cycle: In this chapter "motor-driven cycle" means a vehicle having a seat or saddle for the use of the rider and designed to travel on three or four wheels in contact with the ground. The definition includes vehicles commonly known as "three-wheelers" or "four-wheelers."

Snowmachine: In this chapter "snowmachine" means a vehicle propelled by mechanical power, supported in part by skis, belts, cleats, and primarily designed to travel over ice or snow (AS 05.30.120). (Ord. 89-03 (part), 1989)

10.10.015 Conditions for operation upon public streets. All-terrain vehicles may operate on the public streets and roadways of the City of King Cove, subject to the following conditions:

1. **Registration.** The all-terrain vehicle is registered with the police department for the City of King Cove in accordance with § 10.10.025 of this chapter.

2. **Licensed.** Any person 14 years of age and over, who can fully comply with the all-terrain licensing requirements of

^{1/} Prior ordinance history: Ord. 78-01 (part), 1978; Ord. 82-07 (part), 1981; Ord. 86-09, 1986. See also Ord. 90-01 as to effective date of Ord. 89-03.

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this chapter, shall be authorized to operate all-terrain vehicles within the City of King Cove.

3. **Safety Equipment.** The all-terrain vehicle is equipped with the appropriate safety equipment, including head-lights, tail-lights, mufflers, fenders and brakes all in operating order and which meet or exceed state or local regulations. Headlights must be illuminated between one-half hour before sunrise and one-half hour after sunset, and at any other time when, because of insufficient light or other atmospheric conditions, persons or vehicles on a roadway are not clearly discernible at a distance of 1,000 feet (13 AAC 04.010, 13 AAC 04.320).

4. **Protective headgear.** The operator and any passengers are wearing protective headgear in compliance with state regulation (13 AAC 04.350).

5. **Traffic laws.** The operator of an all-terrain vehicle must observe all state and city traffic laws and codes which pertain to the operation of an automobile upon a public street or roadway.

6. **Hours of operation.** All-terrain vehicles shall be permitted to operate on the public streets and roadways within the limits of the City of King Cove only during the following times: During all months of the year, all-terrain vehicles may operate on public streets and roads from 6 A.M. to 12 midnight.

Operation of all-terrain vehicles at all other times is prohibited except in an emergency or when other circumstances exist which justify an exception because operation of the all-terrain vehicle was necessary or unavoidable. Exceptions are limited to non-recreational use of all terrain vehicles. (Ord. 82-07 § 4 (part), 1981; Ord. 89-03 (part), 1989; Ord. 91-7 § 4, 1991; Ord. 2004-07, 2004)

10.10.020 Prohibitions on areas of operation. A. It shall be unlawful for any person to operate an all-terrain vehicle on the dock portion of the city small boat harbor, including the fingers and floats located therein, or upon any boardwalk within the limits of the City of King Cove, except in cases of emergency.

B. All-terrain vehicles shall only be operated within the limits of the City of King Cove on public streets or roadways. Operation of all-terrain vehicles off the public streets or roadways is prohibited, except in cases of emergency. (Ord. 89-03 (part), 1989)

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10.10.025 Registration required.^{1/} A. All all-terrain vehicles as defined in § 10.10.010 of this chapter must be registered with the police department of the City of King Cove. Registration is required on an annual basis and must be completed within 30 days of purchase of the vehicle. All registrations expire on December 31 of each year regardless of the date during the year when the vehicle was registered. Registration renewals are due on January 1 and must be completed by January 15 of each year. An all-terrain vehicle may not be operated on a public street or roadway in the City of King Cove until it has first been registered in accordance with this section.

B. The police department shall issue a license plate for each registered all-terrain vehicle. The license plate must be affixed to the rear seat or rear fender of the vehicle, or in some other clearly visible location.

C. The annual fee for registration shall be ten dollars (\$10.00) per vehicle. The city council may by resolution change the annual registration fee.

D. In addition to any fines or penalties that may be imposed by this chapter, operation of an unregistered all-terrain vehicle may result in impoundment of the vehicle until such time as the vehicle is duly registered and a fifty dollar (\$50.00) impoundment fee is paid.

E. The registration requirement of this section is in addition to and not a substitute for any registration requirement imposed by state law or regulation. (Ord. 89-03 (part), 1989; Ord. 95-15, 1996; Ord. 98-02 § 2 (part), 1997)

10.10.030 Inspection. A. All-terrain vehicles are subject to a safety inspection by the police department at the time of registration and at any other time when in the opinion of a police officer the all-terrain vehicle is being operated in violation of the safety provisions of Title 28 of the Alaska Statutes, Title 13 of the Alaska Administrative Code, or the safety provisions of this chapter. At the time of registration, an all-terrain vehicle that is determined to be unsafe after inspection shall not be registered until such time as the vehicle is determined by the police department to be safe for operation.

B. No person may operate an all-terrain vehicle after being directed to have it repaired or adjusted, except as may be necessary to return the vehicle to the residence or place of business of the owner or operator or to a place of repair, until

^{1/} Editor's Note: Subsection A. as presented in Ord. 89-03 edited to remove specific references to 1989 effective dates of provisions.

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the vehicle and its equipment have been placed in proper repair and adjustment. This section does not preclude the impounding of a vehicle under AS 28.35.210, if in the officer's opinion the vehicle is so defective or unsafe as to create a hazard if operated on the public streets or roadways of the City of King Cove (13 AAC 06.020(b)). (Ord. 89-03 (part), 1989)

10.10.035 Citation for defective equipment. A. A police officer may issue a citation to the operator or owner of an all-terrain vehicle which is not in safe mechanical condition or properly equipped as required by Title 28 of the Alaska Statutes, Title 13 of the Alaska Administrative Code, or the safety provisions of this chapter. A citation issued under this section shall specify the repair or adjustment to be made.

B. An operator or owner cited under this section shall within a time specified by the inspecting officer appear at the offices of the police department and present acceptable evidence of having made the repairs or adjustment or present the vehicle for reinspection. If the defective part or item is at that time determined to be in good repair, and the vehicle otherwise meets the requirements of Title 28 of the Alaska Statutes, Title 13 of the Alaska Administrative Code, and the safety provisions of this chapter, the inspecting officer shall void the citation. Failure to present evidence of repair or present the vehicle for reinspection shall result in the revocation of registration (13 AAC 06.050). (Ord. 89-03 (part), 1989)

10.10.040 Prohibitions on riding all-terrain vehicles. A person driving an all-terrain vehicle as defined in § 10.10.010 may ride only on a permanent seat attached to the vehicle. No passenger may ride in a position that will interfere with the driving or control of an all-terrain vehicle or the view of the driver (13 AAC 02.425). All-terrain vehicles may carry no more than one passenger at a time. Any passenger on an all-terrain vehicle must wear a helmet. (Ord. 89-03 (part), 1989; Ord. 2002-07, 2002)

10.10.045 Penalties. The penalties for violation of any provision of this chapter shall be as follows:

1. **First violation.** The first violation of a provision of this chapter is subject to a fine of ten dollars (\$10.00).

2. **Second violation.** A second violation of a provision of this chapter within one year of a first violation is subject to a fine of fifty dollars (\$50.00).

3. **Third and subsequent violations.** The third and all subsequent violations of a provision of this chapter within one year of a previous violation is subject to a fine of one hundred dollars (\$100.00). (Ord. 89-03 (part), 1989)

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Chapter 10.20 -- Vehicles for Hire

Sections:

- 10.20.010 **Definitions.**
- 10.20.020 **License required.**
- 10.20.030 **Payment of sales tax.**
- 10.20.040 **Chauffeur's license--Required.**
- 10.20.050 **Chauffeur's license--Issuance, term, fees.**
- 10.20.060 **[Reserved]**
- 10.20.070 **Dispatch.**
- 10.20.080 **Violation--Penalty.**

10.20.010 Definitions. For the purpose of this chapter, the following terms are deemed and construed to have the meaning respectively described to them in this section, unless from a particular context it clearly appears that some other meaning is intended:

"**Taxicab**" means every motor vehicle having seating capacity of ten passengers or less, pursuant to manufacturer's rating, used for the transportation of passengers for hire and not operated over a fixed and defined route. (Ord. 98-01 (part), 1997)

10.20.020 License required. A business license issued by the state of Alaska shall be required to operate or cause to be operated a taxicab upon the streets of the city. (Ord. 98-01 (part), 1997)

10.20.030 Payment of sales tax. City sales tax shall be collected and remitted as outlined in Chapter 5.20 of this Code. (Ord. 98-01 (part), 1997)

10.20.040 Chauffeur's license--Required. A. Anyone operating a taxicab upon the streets of the city shall first apply for, be issued, and thereafter hold in effect a city chauffeur's license granted by the police department.

B. To be eligible to obtain and hold a chauffeur's license, the applicant shall possess the following qualifications:

1. shall be nineteen years of age or older;
2. shall possess a current state driver's license;
3. shall not have been convicted of any of the following crimes wherein any portion of the sentence imposed

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(including, without limitation, probation) existed within five years immediately preceding the application:

a. any offense against the person as set out in AS 11.41;

b. any offense against property classified as a Class A or B felony as set out in AS 11.46;

c. any offense against the family classified as a felony as set out in AS 11.51, or contributing to the delinquency of a minor as set out in AS 11.51.130;

d. any offense against public administration classified as a Class A or B felony as set out in AS 11.56;

e. any offense against public order classified as a felony as set out in AS 11.61;

f. any offense against public health and decency pertaining to gambling, which is classified as a felony or Class A misdemeanor, or pertaining to prostitution;

g. any offense involving a controlled substance or imitation controlled substance as set out in AS 11.71 or AS 11.76; or

h. any attempt or solicitation classified as a Class A or B felony.

4. a. The city may not issue a license to an applicant who has been convicted of driving while intoxicated within two years of the time of application or to an applicant who has two or more convictions for driving while intoxicated within 10 years of the time of application;

b. The city may not issue a license to an applicant who has refused to submit to a chemical test authorized under AS 28.33.031(a) or AS 28.35.031(a) or (g).

5. For purposes of determining whether an applicant has been convicted of an offense listed under subsection B.3. or B.4. of this section, a conviction under prior state law or in another jurisdiction of an offense having elements substantially similar to those of the offenses listed in subsection B.3. or B.4. of the section is considered a conviction.

6. The applicant shall pay a non-refundable applicant fee of twenty-five dollars (\$25.00).

7. The applicant must show proof he/she has been a resident of the city for 30 days prior to the date of the application.

8. If a person ceases to possess the qualifications necessary to be eligible to obtain and hold a chauffeur's license, the city may revoke the chauffeur's license after notice and an opportunity to be heard. (Ord. 98-01 (part), 1997)

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10.20.050 Chauffeur's license--Issuance, term, fees. Upon satisfactory compliance with the requirements of this chapter, the Chief of Police or his designee shall issue a chauffeur's license to the applicant laminated by a photo lamination machine. All licenses shall expire as of December 31 following the date issued and shall be renewed annually thereafter. The fee for renewal shall be twenty-five dollars (\$25.00). (Ord. 98-01 (part), 1997)

10.20.060 [Reserved].

10.20.070 Dispatch. All taxicabs must maintain adequate communications inside the city for all hours of operation. The location of the dispatch office must be filed with the city clerk. All vehicles shall be equipped and have operational two-way radios which will be in constant contact with the dispatch office. (Ord. 98-01 (part), 1997)

10.20.080 Violation--Penalty. Penalties for violation of any provision of this chapter shall be by a fine of not more than three hundred dollars (\$300.00). The imposition of demerit points, revocation or suspension of licenses, or restrictions thereof as may be imposed by the state pursuant to its rules, regulations and statutes, are independent of any penalty under this chapter. (Ord. 98-01 (part), 1997)

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