

Title 10

VEHICLES AND TRAFFIC

Chapters:

- [10.02 Adoption of State Provisions](#)
- [10.04 General Provisions and Definitions](#)
- [10.06 Disposition of Fines and Forfeitures](#)
- [10.08 Administration and Enforcement](#)
- [10.12 Accidents](#)
- [10.16 Rules of the Road](#)
- [10.20 Authorized Emergency Vehicles](#)
- [10.24 Parking](#)
- [10.25 Off Street Parking](#)
- [10.28 Pedestrians](#)
- [10.32 Vehicle Equipment](#)
- [10.36 Snow Machines](#)
- [10.40 Aircraft](#)

Chapter 10.02

ADOPTION OF STATE PROVISIONS

Sections:

[10.02.010 Certain chapters of Title 13 of the Alaska Administrative Code adopted.](#)

[10.02.010 Certain chapters of Title 13 of the Alaska Administrative Code adopted.](#)

A. Title 13, Alaska Administrative Code, Chapter 02, Motor Vehicle and Driving Offenses: Rules of the Road, is adopted by reference.

B. Title 13, Alaska Administrative Code, Chapter 04, Motor Vehicle and Driving Offenses: Vehicle Equipment and Inspection, is adopted by reference.

C. Title 13, Alaska Administrative Code, Chapter 06, Inspection of Vehicles, is adopted by reference.

D. Title 13, Alaska Administrative Code, Chapter 40, General Provisions, is adopted by reference. (Ord. 32 §§1—4, 1985)

Chapter 10.04

GENERAL PROVISIONS AND DEFINITIONS

Sections:

- [10.04.010 Definitions.](#)
- [10.04.020 Applicability.](#)
- [10.04.030 Vehicle compliance with state law required.](#)
- [10.04.040 Unlicensed operation of vehicle unlawful.](#)
- [10.04.050 Fine.](#)
- [10.04.060 Driving with suspended, revoked or refused license unlawful Violation and penalty.](#)
- [10.04.070 Operator's license must be carried.](#)

10.04.010 Definitions. In this chapter unless the context otherwise requires:

1. "Alley" means a public thoroughfare within the ordinary meaning of alley, not designated for general use and primarily used as a means of access to the rear of residences and business establishments.

2. "Arterial street or highway" means every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same.

3. "Authorized emergency vehicles" means vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the city council or official having jurisdiction.

4. "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is over twenty inches in diameter including any device generally recognized as a bicycle though equipped with two front or rear wheels.

5. "Business district" means the territory contiguous to and including the public street or highway when fifty percent or more of the frontage thereon on either side thereof for a continuous distance of three hundred feet or more is occupied by buildings in use for business.

6. "Commercial vehicle" means every vehicle designed, maintained or used primarily for transportation of persons for hire, compensation or profit or designed, maintained or used primarily for the transportation of property.

7. "Controlled access street or highway" means every highway, street or roadway in respect to which owners or occupants of abutting property or 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.

8. "Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street or highway measured from the curb, or in the absence of curbs, from the edge of the traversable roadway and any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface or by signs placed over the portion of the roadway to be used as a crosswalk or by sign placed at each end of the designated pedestrian crossing.

9. "Curb loading zones" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

10. "Drivers" means a rider or leader of any animal or other person who pushes, drives or propels, operates or is in physical control of any vehicle.

11. "Hours of darkness" means the hours from one-half hour after sunset to one-half hour before sunrise, and any other time, when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles are not clearly discernible at a distance of five hundred feet ahead.

12. "Intersection" means the area embraced within the prolongation or connection with the lateral curbline, or if none, then the lateral boundary lines of the roadway or two highways which join one another at approximately right angles, or in the area within which vehicles traveling upon different highways joining at any other angle may come in contact; provided, however, if a highway includes two roadways twenty 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; and, in the event such intersecting highway also includes two roadways twenty feet or more apart, then every crossing of two roadways of such highways shall be regarded as separate intersections.

13. "Laned roadway" means a road which is divided into two or more clearly marked lanes for vehicular traffic.

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

15. "Motor scooter" means every motor vehicle having a saddle for the use of a rider and designed to travel on not more than three wheels and having motor power of not more than five horsepower.

16. "Motor truck" or "truck" means every motor vehicle designed for the transportation of commodities, merchandise, produce, freight or animals, or for drawing or pulling one or more independent vehicles or trailers in the transportation of commodities, merchandise, produce, freight or animals.

17. "Park" means to stand a vehicle, whether occupied or not, for a period of time greater than is reasonably necessary for the actual loading or unloading of persons or property.

18. "Passenger loading zones" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

19. "Pedestrian" means any person afoot.

20. "Person" means a natural person, firm, co-partnership, association or corporation.

21. "Police officer" means every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic rules or regulations.

22. "Private access" means that portion of a street or area which provides access to an off-street vehicular facility through a depression in the constructed curb or when there is no constructed curb that area in front of such vehicular facility as is well defined or as is designated by authorized signs or markings.

23. "Private road" means every way or place in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner, and not by other persons.

24. "Public holiday" means New Year's Day, Admission Day, Lincoln's Birthday, Washington's Birthday, Seward's Day, Memorial Day, Independence Day, Labor Day, Alaska Day, Veteran's Day, Thanksgiving Day, Christmas Day and any day designated a holiday by public proclamation by the President of the United States or the Governor of the state of Alaska; provided, that when any public holiday listed above falls on Sunday, that Sunday and the following Monday shall be considered a public holiday.

25. "Residence district" means the territory contiguous to and including the public streets or highways not comprised of business districts, when the property on such public street or highway is in the main improved with residences or residences and buildings not used in business.

26. "Right-of-way" means the privilege of immediate use of the roadway.

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

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

29. "Semi-trailer" means every vehicle without motive power designed to be drawn by a motor vehicle or truck tractor, so constructed that any part of its weight and that of its load rests upon and is carried by such motor vehicle or truck tractor.

30. "Sidewalk" means that portion of a street between the curblines, or the lateral lines of the roadway, and the adjacent property lines intended for the use of pedestrians.

31. "Stop," when required, means complete cessation of movement.

32. "Stop, stopping or standing," when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

33. "Street" or "highway" means the entire width between the boundary lines of every roadway publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

34. "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together, who are suing any street or highway for purposes of travel.

35. "Traffic control signals, signs and symbols and markings" means any traffic device whether manually, electrically, or mechanically operated, by which traffic is alternatively directed to stop and proceed, or by which such traffic is otherwise regulated.

36. "Traffic division" means the traffic division of the police department of the city, or in the event a traffic division is not established, then the police department of the city.

37. "Trailer" means any vehicle without motive power designed to be or attached to another vehicle, constructed so that no appreciable part of its weight rests upon or is carried by such other vehicle.

38. "Truck loading zone" means a space adjacent to a curb for the exclusive use of vehicles during the unloading or loading of freight or materials.

39. "Truck tractor" means any motor truck, as herein defined, designed and used primarily for the drawing of a semi-trailer and not constructed to carry a load thereon other than a part of the weight of such semi-trailer and its load.

40. "U-turn" means turning a vehicle in an arc of approximately one hundred eighty degrees to permit travel in the opposite direction in the same roadway.

41. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except for devices moved by human power or used exclusively upon stationary rails or tracks. (Prior code §15.05.010)

10.04.020 Applicability.

A. Every person propelling a pushcart or riding an animal upon a roadway and any person driving any animal-driven

vehicle, shall be subject to the provisions of this title applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

B. No person upon roller skates, skis or riding in or by means or any coaster, sled, toy vehicle, or similar device, shall go upon any roadway except while crossing a street or crosswalk so designated, and when so crossing such person shall be granted all the rights and shall be subject to all the duties applicable to pedestrians; provided, however, the chief of police may designate certain streets as play areas, in which case the streets shall be closed to through traffic.

C. The provisions of this title apply to the driver of any vehicle owned by or used in the service of the United States government, the state of Alaska, or the city, and it shall be unlawful for any such driver to violate any of the provisions of this title except as otherwise permitted or by the laws of the United States or the state of Alaska. (Prior code §15.10.030)

10.04.030 Vehicle compliance with state law required.

No person shall operate any vehicle or permit it to be operated on any street or highway unless it complies with the laws of the state. (Prior code §15.10.070(a))

10.04.040 Unlicensed operation of vehicle unlawful. No person shall operate any vehicle unless he is licensed as an operator or chauffeur as required by the state and unless he has any license so granted in his possession at all times while operating a vehicle and no person shall violate any conditions or privileges of such license. No person shall permit an unlicensed driver to operate any vehicle owned by him. (Prior code §15.10.070(b)(part))

10.04.050 Fine. Unlicensed operation of a vehicle is unlawful and is classified as a misdemeanor, representing the imposition of a mandatory court appearance with a fine to be established by the judge. Also, the value of two points shall be entered as a charge against the violator's record. (Ord. 135-88 §1(part), 1988: prior code §15.10.070(b)(part))

10.04.060 Driving with suspended, revoked or refused license unlawful—Violation and penalty.

A. No person whose operator's license or chauffeur's license has been suspended, revoked, or refused shall drive any vehicle while such license is suspended, revoked, or refused.

B. Violations will result in a formal complaint and a maximum fine of up to three hundred dollars. (Prior code §15.10.070(c))

10.04.070 Operator's license must be carried. A driver must have in his possession a valid license while operating a motor vehicle on the streets of Whittier. Noncompliance shall result in a penalty of two points plus a mandatory court appearance to show proof of the possession of a license. (Ord. 135-88 §1(part), 1988)

Chapter 10.06

DISPOSITION OF FINES AND FORFEITURES

Sections:

10.06.010 Placement in general fund.

10.06.010 Placement in general fund.

A. No fine receipts and/or bail forfeiture receipts shall be used directly or indirectly by the issuing agency whose responsibility for enforcement is provided for in this or any other authority.

B. All bail and/or fines received from the court shall be placed in the General Fund of the city. (Ord. 32 §5, 1985)

Chapter 10.08

ADMINISTRATION AND ENFORCEMENT

Sections:

10.08.010 Police department—Administrative duties.

10.08.020 Emergency and experimental regulations and tests.

10.08.030 Traffic advisory committee.

10.08.040 Police department—Duties.

10.08.050 Police department—Authority.

10.08.060 Fire department.

10.08.070 Obedience to orders required.

10.08.010 Police department—Administrative duties.

A. The police department or the traffic division thereof shall keep a record of all moving violations under this title and under the state motor vehicle laws which occur within the city. The record shall be maintained so as to show all types of moving violations and the total of each type. The records shall be maintained for at least the most recent five-year period.

B. All forms for recording the above-mentioned moving violations and all notices of such moving violations shall be serially numbered. For each month and year of the most recent five-year period, a record shall be available to the public, showing the disposal of all such forms and notices.

C. The police department or the traffic division thereof shall receive and properly record all traffic accident reports made under this title.

D. Whenever the accidents in any particular location become numerous, the police department shall cooperate with the city engineer or other designated agent of the city council in conducting studies of such accidents and determining remedial measures.

E. The police department shall annually prepare a traffic report which shall be filed with the city council. The report shall contain the following information on traffic matters in the city:

1. The number of traffic accidents, number of persons killed, the number of persons injured, and other pertinent traffic accident data;

2. The number of traffic accidents investigated and other pertinent data on the safety activities of the police department;

3. The plans and recommendations of the department for future traffic safety activities.

F. The police department shall designate a type of pennant or other identifying insignia to be displayed upon, or other method employed to identify the vehicles of a funeral procession. (Prior code §15.05.020)

10.08.020 Emergency and experimental regulations and tests.

A. The chief of police is empowered to issue emergency and experimental regulations, with approval of the city council; however, such regulations shall not remain in effect for more than ninety days.

B. The chief of police may test traffic control devices under actual conditions of traffic, with the approval of the city council. (Prior code §15.05.030)

10.08.030 Traffic advisory committee. The president of the city council may appoint special traffic advisory committees to study and make recommendations on special traffic problems of wide public interest. The members of the traffic advisory committees shall serve without compensation as such. The president of the city council, the chief of police, the chairman of the public safety commission and the city engineer shall be ex-officio members of all such committees. (Prior code §15.05.040)

10.08.040 Police department—Duties. The police department shall enforce this chapter and all state motor vehicle laws applicable to the city, make arrests for violations of this title or the state motor vehicle laws, investigate accidents and assist in the prosecution of persons charged with violations of this title or the state motor vehicle laws. (Prior code §15.10.010(a))

10.08.050 Police department—Authority. Police department personnel are authorized to direct all traffic by voice, and/or signaling in conformance with city and state traffic laws; provided, that in the event of fire or other emergency, or to expedite traffic or safeguard pedestrians, police department personnel may direct traffic as

conditions may require notwithstanding any traffic laws. (Prior code §15.10.010(b))

10.08.060 Fire department. When at the scene of a fire, fire department personnel may direct or assist the police in directing traffic at or in the immediate vicinity of the fire. (Prior code §15.10.010(c)(part))

10.08.070 Obedience to orders required. No person shall willfully fail or refuse to comply with any lawful order or direction of police or fire department personnel. (Prior code §15.10.020(part))

Chapter 10.12

ACCIDENTS

Sections:

10.12.010 Notice required.

10.12.020 Driver to remain at scene.

10.12.030 Identification and assistance.

10.12.040 Collision with unattended vehicle.

10.12.050 Damage to street fixtures.

10.12.060 Report by driver.

10.12.070 Report by passenger.

10.12.080 Report by owner.

10.12.090 Confidentiality of reports.

10.12.100 Interference prohibited.

10.12.010 Notice required. The driver of a vehicle which is in any manner involved in an accident resulting in injury or death of any person or property damage, including damage to vehicles, to an apparent five hundred dollars or more, shall immediately by the quickest means of communication give notice of such accident to the police department if such accident occurs within the city; and no vehicle involved in such accident shall be moved until the police have investigated and given permission for removal. (Prior code §15.10.060(a))

10.12.020 Driver to remain at scene. The driver of any vehicle involved in any accident resulting in injury or death of any person or damage to any vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident, and shall forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10.12.030. (Prior code §15.10.060(b))

10.12.030 Identification and assistance. The driver of any vehicle involved in an accident resulting in injury or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall, upon request, exhibit his operator's license to the person struck or the driver or occupant or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. (Prior code §15.10.060(c))

10.12.040 Collision with unattended vehicle. The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then either locate and notify the owner of such vehicle of the name and address of the driver or owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle so struck, a written notice giving the name and address of the driver and the owner of the vehicle doing the striking, and a statement of the circumstances thereof. (Prior code §15.10.060(d))

10.12.050 Damage to street fixtures. The driver of any vehicle involved in an accident resulting only in damage to the fixtures legally upon or adjacent to a street or highway shall take reasonable steps to locate and notify the owner or person in charge of such property

of such facts, and his name and address, and the registration number of the vehicle he is driving, and shall upon request exhibit his operator's or chauffeur's license, and shall make report of such accident when and as required in Section 10.12.060. (Prior code §15.10.060(e))

10.12.060 Report by driver. The driver of a vehicle which is in an accident resulting in injury to or death of any person or total property damage to an apparent extent of one hundred dollars or more, shall make a written report at police headquarters, on forms furnished by the city, within twenty-four hours after the accident. (Prior code §15.10.060(f))

10.12.070 Report by passenger. Whenever the driver of a vehicle is physically unable to give immediate notice of an accident as required herein, and having another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to given, the notice not given by the driver. (Prior code §15.10.060(g))

10.12.080 Report by owner. Whenever the driver is physically incapable of making a written report of an accident as required in Section 10.12.060, and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five days after learning of the accident make such report not made by the driver. (Prior code §15.10.060(h))

10.12.090 Confidentiality of reports. All written reports made by drivers or owners or occupants of vehicles involved in accidents as required by Sections 10.12.050 and 10.12.060 shall be without prejudice to the individual reporting and shall be for the confidential use of the police department, except that the police department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at the scene of such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the police department shall furnish upon demand of any court a certificate showing that the specified accident report has or has not been made to the police department solely to prove compliance or the failure to comply with the requirement that the report be made. (Prior code §15.10.060(i))

10.12.100 Interference prohibited. No person shall proceed to the scene of an accident or other emergency or stop or park a vehicle or congregate in the vicinity thereof so as to interfere with police officers or other persons performing their duties at the scene of such accident or other emergency or for the purpose of advertising or offering any service. (Prior code §15.10.060(j))

Chapter 10.16

RULES OF THE ROAD

Sections:

[10.16.010 Fire apparatus and hoses.](#)
[10.16.020 Funerals or other authorized processions.](#)
[10.16.030 Sidewalks.](#)
[10.16.040 Backing.](#)
[10.16.050 Motorcycles and motorscooters.](#)
[10.16.060 Riding on, boarding or alighting from vehicle.](#)
[10.16.070 Carrying animals on outside of vehicle.](#)
[10.16.080 Driving through safety zones.](#)
[10.16.090 Entering or leaving roadway.](#)
[10.16.100 Driving on right side of roadway.](#)
[10.16.110 Meeting of vehicles.](#)
[10.16.120 Following, overtaking and passing vehicle.](#)
[10.16.130 Right-of-way.](#)
[10.16.140 Coasting.](#)
[10.16.150 Towing.](#)
[10.16.160 Unattended motor vehicle.](#)
[10.16.170 Noise and smoke.](#)
[10.16.180 Driver's view of driving mechanism obstructed.](#)
[10.16.190 Injurious or unsightly materials.](#)
[10.16.200 Under the influence of narcotics or drugs.](#)

[10.16.210 Reckless driving.](#)
[10.16.220 Negligent driving.](#)
[10.16.225 Speeding.](#)
[10.16.230 Use of right-of-way—Relocation of buildings and structures.](#)
[10.16.240 Stop sign.](#)
[10.16.250 Obedience to train signals and barriers.](#)
[10.16.260 Driving on the wrong side of the road.](#)
[10.16.270 Obstructing or blocking traffic.](#)
[10.16.280 Failure to yield one-half roadway to oncoming traffic.](#)
[10.16.290 Failure to yield at intersection.](#)
[10.16.300 Failure to yield at a yield sign.](#)
[10.16.310 All motorcycle passengers must wear helmets.](#)
[10.16.320 All motorcycle operators under eighteen years of age must wear helmets.](#)
[10.16.330 Eye protection required while operating motorcycles.](#)
[10.16.340 Equipment required on motorcycles.](#)
[10.16.350 No consumption of intoxicating beverages while operating a motor vehicle.](#)
[10.16.360 Parking violations.](#)

10.16.010 Fire apparatus and hoses.

A. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within a block of where the fire apparatus has stopped in answer to a fire alarm.

B. No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street or highway or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command or his representative.

C. A fine of fifteen dollars will be imposed on all violations of this section. (Prior code §15.15.010)

10.16.020 Funerals or other authorized processions.

A. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this title. This provision shall not apply at the intersections where traffic is controlled by traffic control signals or police officers.

B. Each driver in a funeral or other authorized procession shall drive as near to the right hand edge of the roadway as practical and safe.

C. No procession or parade, excepting the Armed Forces of the United States or the state of Alaska and the forces of the police and fire departments, shall occupy, march, or proceed along any street except in accordance with a permit issued by the chief of police and such other sections of this title which may apply.

D. A fine of fifteen dollars will be imposed on all violations of this section. (Prior code §15.15.020)

10.16.030 Sidewalks.

A. No vehicle, including bicycles, shall drive within any sidewalk area except at a permanent or temporary driveway.

B. A fine of fifteen dollars will be imposed on all violations of this section. (Prior code §15.15.030)

10.16.040 Backing.

A. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic, except that under no circumstances shall the driver of a vehicle back the same into or through an intersection.

B. A fine of thirty dollars will be imposed on all violations of this section. (Ord. 135-88 §1(part), 1988; prior code §15.15.040)

10.16.050 Motorcycles and motorscooters.

A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person, nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and

regular seat if designed for two persons, or upon another seat firmly attached to the rear of the operator's seat.

B. No person under twelve years of age shall be permitted to operate a motorscooter or similar vehicle within the corporate limits of the city.

C. A fine of fifteen dollars will be imposed on all violations of this section. (Prior code § 15.15.050)

10.16.060 Riding on, boarding or alighting from vehicle.

A. No person riding upon any bicycle, motorscooter, motorcycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle in motion upon a roadway.

B. No person shall board or alight from any vehicle while the vehicle is in motion.

C. No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

D. A fine of fifteen dollars will be imposed on all violations of this section. (Prior code § 15.15.060)

10.16.070 Carrying animals on outside of vehicle.

A. It shall be unlawful for any person to transport any living animal on the running board, fenders, hood or other outside part of any vehicle, unless suitable harness or enclosure is provided and so attached as to protect the animal from falling or being thrown therefrom.

B. A fine of fifteen dollars will be imposed on all violations of this section. (Prior code § 15.15.070)

10.16.080 Driving through safety zones.

A. No vehicle shall at any time be driven through or within a safety zone.

B. A fine of fifteen dollars will be imposed on all violations of this section. (Prior code § 15.15.080)

10.16.090 Entering or leaving roadway.

A. No person shall drive a vehicle onto or from any controlled access or limited access roadway except at such entrances and exits as are established by public authority.

B. A fine of fifteen dollars will be imposed on all violations of this section. (Prior code § 15.15.090)

10.16.100 Driving on right side of roadway.

A. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the limitations specified in this chapter;

2. When placing a vehicle in a lawful position for, and when such vehicle is lawfully making, a left turn;

3. When the right half of the roadway is obstructed or is under construction or repair, in which case right lane traffic shall yield to left lane traffic;

4. Upon a roadway designated and posed for one-way traffic.

B. The city engineer or city council is authorized to determine and designate any street or highway or any portion of a street or highway where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such roadway. The city engineer or the city council shall have two parallel white stripes painted upon the pavement along any such designated street or highway. When such markings or signs and markings are in place, the driver of a vehicle shall not drive along the street or highway to the left thereof, but this shall not prevent turning to the left across any such marking at any intersection.

C. It is unlawful to drive any vehicle upon any street or highway which has been divided into two or more roadways by means of a physical barrier or by means of a dividing section of not less than two feet in width delineated by curbs, lines or other markings on the roadway, except to the right of such barrier or dividing section, or to make any left turn or U-turn on any such divided street or highway, except in a crossover or intersection.

D. A fine of fifty dollars will be imposed on all violations of this section. (Ord. 413-01 §2, 2000; Prior code §15.15.100)

10.16.110 Meeting of vehicles.

A. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

B. A fine of twenty-five dollars will be imposed on all violations of this section. (Prior code § 15.15.110)

10.16.120 Following, overtaking and passing vehicle.

A. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the roadway until safely clear of such overtaken vehicle.

B. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic and condition of the street or highway.

C. The driver of a vehicle shall not drive to the left side of the centerline of a roadway in overtaking and passing another vehicle proceeding the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

D. The driver of a vehicle shall not overtake or pass another vehicle proceeding in the same direction upon a grade or upon a curve in the roadway unless the driver's view along the roadway is sufficient to insure safety.

E. A fine of twenty-five dollars will be imposed on all violations of this chapter. (Prior code § 15.15.120)

10.16.130 Right-of-way.

A. The driver of a vehicle approaching an intersection shall yield the right-of-way to any vehicle which has already entered the intersection from a different street or highway.

B. When two vehicles enter an intersection from different streets or highways, neither of which are arterial streets or highways, at approximately the same time, the driver on the left shall yield the right-of-way to the vehicle on the right.

C. The driver of a vehicle intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction.

D. The driver of a vehicle entering an arterial street or highway, as designated in accordance with this title, shall yield the right-of-way to all vehicles approaching on such streets or highways.

E. The driver of any vehicle entering a street or highway at a point other than a street or highway intersection or entering traffic on a roadway from a parked or angle-parked position on such street or highway, shall look out for and yield the right-of-way to other vehicles on such roadway.

F. A fine of fifty dollars will be imposed on all violations of this section. (Ord. 413-01 §3, 2000; Prior code § 15.15.130)

10.16.140 Coasting.

A. The driver of a vehicle, when traveling on a downgrade, shall not coast with the gears of such vehicle in neutral.

B. A fine of fifteen dollars will be imposed on all violations of this section. (Prior code § 15.15.140)

10.16.150 Towing.

A. No vehicle shall tow more than one other vehicle nor more than one trailer, and the connections shall not be over sixteen feet long, except pole trailers, and a red flag or other signal, or cloth not less than twelve inches both in length and width shall be fastened to the line so as to make it plainly discernible. Each vehicle shall separately display thereon the lights required on a vehicle of the class to which it belongs.

B. Trailers must track within six inches of the preceding vehicle.

C. Trailers shall be attached to the preceding vehicle by means of a suitable coupling; two safety chains, one at each side of the coupling, must also be used. Both chains must be attached to the chassis frame. Each chain must be of sufficient strength to pull the trailer attached to it when the trailer is loaded to maximum capacity.

D. A fine of fifty dollars will be imposed on all violations of this section. (Prior code §15.15.150)

10.16.160 Unattended motor vehicle.

A. 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 and, when standing upon any grade, turning the front wheels to the curb or side or the roadway as required by law, except delivery vans when loading or unloading need only meet the requirements of curbing wheels and setting the brakes on any grade.

B. A fine of twenty-five dollars will be imposed on all violations of this section. (Ord. 413-01 §4, 2000; Prior code 515.15.160)

10.16.170 Noise and smoke.

A. No person in charge of a vehicle or in control of any device connected therewith shall cause any noise so excessive as to annoy the public, or unnecessarily race his motor while idling, or open the muffler of any vehicle, or permit the vehicle or any device thereon to emit an unreasonable quantity of smoke, or noxious gases or vapor.

B. No person shall use any sound-amplifying device, recorded music or radio in or from any vehicle on any street or highway for the purpose of attracting the attention of persons to the sounds issued therefrom (excluding factory horn), except after receiving a permit from the chief of police.

C. The conditions noted in subsections A and B of this section: Upon correction charges will be dismissed. If not corrected, a fine of twenty-five dollars will be imposed. (Ord. 413-01 §5, 2000; Prior code §15.15.170)

10.16.180 Driver's view of driving mechanism obstructed.

A. No driver of any vehicle shall drive the same when such vehicle is so loaded as to obstruct the view of the driver to the front or sides or to interfere with the driver's control over the driving mechanism of the vehicle.

B. No person shall drive a vehicle with more than three persons including the operator occupying the front seat.

C. The windshield in front of the driver shall be kept clear of dirt, snow and ice or open so that the driver's view is unobstructed. No person shall drive any vehicle upon a street or highway with any sign, poster or other non-transparent material upon the front windshield of such motor vehicle other than a certificate or other paper required to be displayed by law, and the windshield shall be free from chips, cracks or other damage so as not to hinder the driver's view.

D. A fine of twenty-five dollars will be imposed on all violations of this section. (Ord. 413-01 §6, 2000; Prior code §15.15.180)

10.16.190 Injurious or unsightly materials.

A. No person shall throw or deposit upon any street or highway any glass, nails, tacks, wire, cans or other substances likely to injure any person, animal or vehicle upon the street or highway.

B. Any person who drops, or permits to be dropped or thrown upon any street or highway, any destructive, injurious or unsightly material, shall be required to immediately remove the same or cause it to be removed.

C. No person removing a wrecked or damaged vehicle from a street of highway shall fail to remove any glass or other vehicle substance dropped upon the street or highway from the vehicle.

D. Failure to comply with these will result in the filing of a formal complaint and a fine not to exceed three hundred dollars. (Prior code §15.15.190)

10.16.200 Under the influence of narcotics or drugs.

A. No person, whether a licensed vehicle operator or not, who is a habitual user of narcotic drugs or who is under the influence of intoxicating liquor or narcotic or hypnotic drugs, shall drive any vehicle upon any street or highway within the city, nor sit or sleep behind the wheel of such vehicle or be in actual physical control of any vehicle. No owner of any motor vehicle, and no person having charge or control thereof, shall authorize or willingly permit it to be driven or operated upon any street or highway within the city by any person who is a habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor, narcotic or hypnotic drugs.

B. No person, whether a licensed vehicle operator or not, who is a habitual user of narcotic drugs or who is under the influence of intoxicating liquor or narcotic or hypnotic drugs, shall drive any vehicle on any property, whether public or private, within the city. No owner of any motor vehicle, and no person having charge or control thereof, shall authorize or knowingly permit it to be driven or operated upon any property, whether public or private, within the city by any person who is a habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor, narcotic or hypnotic drugs.

C. The fact that any person charged with a violation of this section is or has been entitled to use any such intoxicating liquors or narcotic or hypnotic drugs under the laws of the state or under a prescription from a physician shall not constitute a defense against any charge or violation of this section.

D. Violations of this section will result in the filing of a formal complaint. Violators will be subject to the penalties and consequences under the State Statutes. (Prior code §15.15.200)

10.16.210 Reckless driving.

A. It shall be unlawful for any person to operate a motor vehicle in a reckless manner over and along the public ways, streets, or highways of the city. For the purpose of this section, to "operate in a reckless manner" shall be construed to mean the operation of a vehicle upon the public ways, streets or highways of the city in such a manner as to indicate either willful or wanton disregard for the safety of persons or property, or without due caution and circumspection and at a speed or in a manner so as to endanger or to be likely to endanger any person or property.

B. Violation of this section will result in a filing of a formal complaint and a fine of up to three hundred dollars. (Prior code §15.15.210)

10.16.220 Negligent driving.

A. It shall be unlawful for any person to operate a motor vehicle in a negligent manner over and along the public ways, streets, or highways of the city. For the purpose of this section, to "operate in a negligent manner" means the operation of a vehicle upon the public ways, streets or highways in such a manner as to be likely to endanger any person or property. The offense of operating a vehicle in a negligent manner shall be considered to be a lesser and included offense of operating in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner.

B. Violations of this section will result in the filing of a formal complaint and a fine of up to three hundred dollars (Prior code §15.15.220)

10.16.225 Speeding. The speed limit throughout town is twenty-five miles per hour except where otherwise posted.

A. Operators who are found to be in excess of the posted speed limit shall be rated and penalized as follows, respectively:

1. Three to nine miles per hour over the speed limit, two points plus a fine of four dollars a mile;
2. Ten to nineteen miles per hour over the speed limit, four points plus a fine of four dollars a mile;
3. Twenty or more miles per hour over the speed limit, six points plus a mandatory court appearance.

B. Operators may not travel at an excess speed which may cause a hazard with existing road conditions such as ice, snow or deteriorating road surface. Violators will be penalized two points plus a thirty dollar fine.

C. No person shall operate a motor vehicle in a contest of speed against another vehicle or accelerate at an excessive rate of speed from a stationary position so as to not have full control over the vehicle. Violators will be penalized ten points plus a mandatory court appearance. (Ord. 156-90 51, 1990; Ord. 135-88 §1(part), 1988)

10.16.230 Use of right-of-way—Relocation of buildings and structures.

A. Whenever a building/structure is to be relocated across, along or through a public right-of-way or public property, and projects sixteen or more feet above ground, or is ten or more feet in width, a permit must be obtained from the city.

B. The use of right-of-way permit application shall include the following:

1. Route or extent of right-of-way to be traversed/used;
 2. Motive power to be used and the type of equipment such as dollies or trailers to be utilized in the transportation of the building/structure;
 3. Dimensions of the equipment and buildings/structures to be transported;
 4. Proposed date and time of the relocation action and the amount of time anticipated to relocate such building/structure;
 5. Execution of an indemnification clause whereby the applicant will assume the responsibility for damage to all public properties, and will indemnify and hold the city harmless from any claims for damage to property or injury to persons resulting from applicant's activities in relocating such building/structure;
 6. A permit application fee of ten dollars.
- C. The city may reject any and all applications for permits in which the city deems the activity proposed a threat to public property or to the safety of persons or private property.
- D. Movement of a building/structure without a permit as required by this section is subject to a civil penalty of three hundred dollars. (Ord. 79-88 51, 1987)

10.16.240 Stop sign. All vehicle operators will come to a complete stop, showing no forward movement when arriving at a stop sign. Violators will be penalized four points plus a fine of fifty dollars. (Ord. 135-88 §1(part), 1988)

10.16.250 Obedience to train signals and barriers. All vehicle operators will obey all posted train signals along the city streets of Whittier that are posted for normal vehicle traffic. No vehicle operator may cross over a train barrier until it has been cleared for crossing. Violators will be penalized four points plus a fine of fifty dollars. (Ord. 135-88 §1(part), 1988)

10.16.260 Driving on the wrong side of the road. No person shall operate a motor vehicle in the opposing lane of traffic. Violators will be penalized two points plus a fine of thirty dollars. (Ord. 135-88 §1(part), 1988)

10.16.270 Obstructing or blocking traffic. No person shall use a motor vehicle to obstruct or block the flow of traffic. Violators will be penalized a fine of twenty-five dollars. (Ord. 413-01 §7, 2000; Ord. 135-88 §1(part), 1988)

10.16.280 Failure to yield one-half roadway to oncoming traffic. No person, while operating a motor vehicle on a single land roadway shall use more than one-half of that roadway when oncoming traffic is present. Violators will be penalized four points plus a fine of thirty dollars. (Ord. 135-88 §1(part), 1988)

10.16.290 Failure to yield at intersection. In the absence of a yield sign, a vehicle operator will yield at an intersection when the operator is entering onto a street. Violators will be penalized four points plus a fine of thirty dollars. (Ord. 135-88 §1(part), 1988)

10.16.300 Failure to yield at a yield sign. In the presence of a yield sign at an intersection, a motor vehicle operator shall yield to any cross traffic. Violators will be penalized four points plus a fine of thirty dollars. (Ord. 135-88 §1(part), 1988)

10.16.310 All motorcycle passengers must wear helmets. While riding as a passenger on a motorcycle, all passengers will wear a helmet. Violators will be penalized a fine of twenty dollars. (Ord. 413-01 §8, 2000; Ord. 135-88 §1(part), 1988)

10.16.320 All motorcycle operators under eighteen years of age must wear helmets. All motorcycle operators under eighteen years of age must wear helmets. Violators will be penalized a fine of twenty dollars. (Ord. 413-01 §9, 2000; Ord. 135-88 §1(part), 1988)

10.16.330 Eye protection required while operating motorcycles. Eye protection is required while operating motorcycles. Violators will be penalized with a fine of twenty dollars. (Ord. 413-01 §10, 2000; Ord. 135-88 §1(part), 1988)

10.16.340 Equipment required on motorcycles.
A. The following equipment shall be required on motorcycles: left side mirror, headlamp, tail lamp and stop light.
B. Violators will be penalized with a mandatory court appearance and correction of deficiency. (Ord. 135-88 §1(part), 1988)

10.16.350 No consumption of intoxicating beverages while operating a motor vehicle. There shall be no consumption of intoxicating beverages while operating a motor vehicle. (Ord. 135-88 §1(part), 1988)

10.16.360 Parking violations.
A. A fine of twenty dollars will be imposed on motor vehicle operators for each offense of double parking, parking on a sidewalk, parking in an intersection, parking on railroad tracks, parking where traffic control prohibits, parking within fifteen feet of fire hydrants, parking within thirty feet of a traffic control sign, parking within fifty feet of a railroad crossing, parking to block snow removal where posted, and parking against the flow of traffic.

B. All parking violations subject to impoundment at the owners expense. (Ord. 413-01 §11, 2000; Ord. 135-88 §1(part), 1988)

Chapter 10.20

AUTHORIZED EMERGENCY VEHICLES

Sections:

- [10.20.010 Exercise of privilege—Generally.](#)
- [10.20.020 Exercise of privilege—Specific exemptions.](#)
- [10.20.030 Exercise of privilege—Signaling.](#)
- [10.20.040 Exercise of privilege—Duty to drive with due regard.](#)
- [10.20.050 Vehicle operation on approach.](#)
- [10.20.060 Violation—Penalty.](#)

10.20.010 Exercise of privilege—Generally. The driver of an authorized emergency vehicle when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privilege set forth in the section, but subject to the conditions herein stated. (Prior code §15.10.040(a))

10.20.020 Exercise of privilege—Specific exemptions The driver of an authorized emergency vehicle may:

- A. Park or stand irrespective of the provisions of this title;
- B. Proceed past a red stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- C. Exceed the stated or posted speed limit;
- D. Disregard regulations governing direction of movement or turning in specified directions. (Prior code §15.10.040(b))

10.20.030 Exercise of privilege—Signaling. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of said vehicle, while in motion, sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. (Prior code §15.10.040(c))

10.20.040 Exercise of privilege—Duty to drive with due regard. The provisions set out in Sections 10.20.010 through 10.20.030 shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of others. (Prior code §15.10.040(d))

10.20.050 Vehicle operation on approach. Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal

atmospheric conditions from a distance of five hundred feet to the front of such vehicle when operated as an emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle or bell, the driver and every other vehicle shall yield the right of-way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such a position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (Prior code §15.10.050(part))

10.20.060 Violation—Penalty. Violations of Section 10.20.050 will result in a formal complaint with a maximum fine of up to-three hundred dollars. (Prior code §15.10.050(part))

Chapter 10.24

STOPPING OR PARKING

Sections:

- [10.24.010 Intent](#)
- [10.24.020 Stopping or parking--Where prohibited](#)
- [10.24.030 Starting parked vehicles](#)
- [10.24.040 Stopping or parking--Size limitation](#)
- [10.24.050 Stopping or parking--Time limitation](#)
- [10.24.060 Handicapped parking](#)
- [10.24.070 Vehicles subject to impound](#)
- [10.24.080 Impound Procedure](#)
- [10.24.090 Impoundment Hearing](#)
- [10.24.100 Form of Demand for Hearing--Hearing Officer](#)
- [10.24.110 Removal of Impoundment Notice or Impounded Vehicle Prohibited](#)
- [10.24.120 Violation--Penalty](#)

10.24.010 Intent. It is the intent of this chapter to regulate vehicular stopping or parking in certain areas where officially posted.

10.24.020 Stopping or parking--Where prohibited.

- A. A person may not stop or park a vehicle in a place or area where an official sign or traffic control device prohibits stopping or parking of a vehicle.
- B. No parking shall be permitted on a City arterial, as defined in Section 10.25.020(A).
- C. A person may not park or stop a vehicle along or abutting a City arterial in such manner as to require egress by means of backing onto the arterial.

10.24.030 Starting parked vehicles. A person may not move onto roadway, a vehicle which is stopped, standing or parked until the movement can be made with reasonable safety.

10.24.040 Stopping or parking--Size limitation.

- A. A person may not stop or park a vehicle or a combination of vehicles in excess of twenty feet in length in those areas where a sign prohibits parking of vehicles or a combination of vehicles in excess of twenty feet.
- B. A person may not stop or park a vehicle or a combination of vehicles in excess of forty feet in length in those areas where a sign prohibits parking of vehicles or a combination of vehicles in excess of forty feet.

10.24.050 Stopping or parking--Time limitation. Where an official sign specifies a maximum time a vehicle may be parked in a specified area, it shall be unlawful to leave a vehicle parked in that area longer than the time specified.

10.24.060 Handicapped parking.

- A. A person may not park or cause to be parked a motor vehicle in a parking space reserved for disabled or medically handicapped persons, whether such parking space is on public or private property, unless:
 - 1. The person has a special permit issued by the State of Alaska under AS 28.10.495;
 - 2. The motor vehicle displays a special license plate issued to disabled or handicapped persons under AS 28.10.181(d); or

3. The motor vehicle displays a special license plate or permit issued to disabled or handicapped persons by another state, province, territory, or country.

B. Any police officer or parking enforcement officer may enforce this section within any public or private parking area by issuing a citation pursuant to subsection (D) of this section, or within any public parking area by causing the vehicle to be immediately removed as provided by § 10.24.080. Only a person who owns or controls a private parking area containing a reserved handicapped-only parking space may cause the vehicle parked in violation of this section to be removed and towed as provided in § 10.24.080.

C. For purposes of this section, a "parking space reserved for handicapped parking only" is a parking space conspicuously signed as being restricted to vehicles displaying handicapped parking permits, provided that such signs shall, as far as practicable, conform to the current edition of the Alaska Traffic Manual prepared by the Alaska Department of Transportation and Public Facilities. Notice of the specific penalty for violating this section shall be posted on the face of all signs erected within the City.

D. The penalty for violating this section shall be one hundred dollars for each citation issued.

E. The officer responding to an apparent violation may excuse a violation of subsection a. of this section if the officer finds that the person who parked, or caused to be parked, in a reserved handicapped parking spot is actually or recently handicapped or is a handicapped visitor of outside the City.

10.24.070 Vehicles subject to impound. A police officer of authorized peace officer as defined in AS 11.81.900(B)(38), may impound and removed a vehicle which is found to be in violation of the provisions of this chapter. The owner of record of an impounded vehicle is responsible for all costs incurred for impounding, removing and storing the vehicle.

10.24.080 Impound Procedure.

A. Unless otherwise provided, the procedure set forth in sections 10.24.080 – 10.24.110 shall apply whenever a motor vehicle is subject to impoundment (including booting) and removal pursuant to motor vehicle, traffic or parking codes or laws, including without limitation unlawful stopping, standing, or parking under any provisions of the city code or regulations adopted hereunder.

B. An impoundment is effective when a written order of impoundment is placed on a vehicle. An order of impoundment shall identify the vehicle, state the reasons for impoundment, and be dated and signed by a police officer or an authorized peace officer. An impounded vehicle may be immediately towed and removed to a safe place upon the order of a police officer or peace officer.

C. Upon impoundment, a notice of procedure options shall be placed on the vehicle, and within 6 hours a copy shall be personally delivered or placed in the U.S. mail addressed to the owner of the vehicle. The notice shall state substantially as follows:

ATTENTION: Your vehicle has been impounded by the City of Whittier. As the owner of an impounded vehicle, you have the following options:

- (A) You may recover possession of the vehicle by paying to the person having custody of the vehicle the towing and storage fees that may have accrued.
- (B) If you take issue with the impoundment of your vehicle, you may:
 - (1) Recover possession of the vehicle by paying the towing and storage fees that have accrued to such person and claim a refund by filing a demand (on a form provided by the city) for an administrative hearing before a hearing officer as to whether there was a sufficient factual and legal basis for impounding your vehicle; or

- (2) Demand (on a form provided by the city) an administrative hearing before a hearing officer as to whether there was a sufficient factual and legal basis for impounding your vehicle.

To be entitled to such a hearing, your written demand must be filed with the City Clerk

- (A) within 5 workdays after you learned that your vehicle was impounded or was missing; or
- (B) within 15 workdays after the city mailed notice to the vehicle's registered owner that the vehicle had been impounded; whichever occurs first. If you fail to make a timely request for a hearing you will lose all right to challenge the sufficiency of the basis for impoundment.

If timely requested, the hearing must be held within 48 hours after the filing of your written demand, not including Saturdays, Sundays, and city holidays. A determination that there was an insufficient factual or legal basis for impounding your vehicle will require the release of the vehicle to you without your having to pay the towing and storage fees, or will entitle you to a refund if you have already paid the fees. A hearing may be demanded by filing the appropriate form with the City Clerk.

10.24.090 Impoundment Hearing

A. If demand is timely made, the owner or the person entitled to possession of a vehicle is entitled to an administrative hearing to determine whether there was a sufficient factual legal basis for impoundment of the vehicle. To be entitled to such a hearing a written demand must be filed with the City Clerk

1. within 5 workdays after the owner or person entitled to possession learned that the vehicle was impounded or was missing; or
2. within 15 workdays after the city delivered or mailed the notice required by section 10.24.080 (c) to the vehicle's owner; whichever comes first. If no timely request for a hearing is made, the factual and legal basis for impoundment will be conclusively deemed sufficient for all purposes.

B. The hearing will be held within 48 hours after the filing of a written demand, not including Saturdays, Sundays, and city holidays.

C. The hearing officer shall not be bound by formal rules of evidence. A copy of the fully completed and signed order of impoundment will constitute prima facie proof of sufficient factual and legal basis for impoundment. The burden will be on the vehicle owner to prove by a preponderance of the evidence that there was an insufficient factual or legal basis for impounding the vehicle.

D. A determination by the hearing officer that there was an insufficient factual or legal basis for impounding the vehicle will require the release of the vehicle to the owner or other person entitled to possession without payment of the towing and storage fees, or will entitle the person to a refund if the fees have already been paid.

E. The city will be responsible for payment or refund of the towing and storage fees for any vehicle impounded upon order of a city police officer or city peace officer if the hearing officer determines that there was an insufficient factual or legal basis for such impound.

10.24.100 Form of Demand for Hearing--Hearing Officer.

A. The City Clerk shall prepare and make available a form of demand for a hearing pursuant to section 10.24.080. Upon receipt of demand for a hearing the City Clerk shall immediately forward the demand to the City Manager or his designee, who shall schedule an administrative hearing and notify all parties.

B. The City Manager shall appoint one or more persons who shall serve as hearing officers to conduct hearings pursuant to section 10.24.080. No police officer or peace officer with authority to impound an improperly parked vehicle shall be eligible to serve as hearing officer.

10.24.110 Removal of Impoundment Notice of Impounded Vehicle Prohibited.

A. Unless authorized by a police officer or peace officer with authority to enforce parking laws and regulations, it is unlawful for any person to remove an impoundment order from a vehicle upon which it has been posted.

B. Unless authorized by a police officer or peace officer with authority to enforce parking laws and regulations, it is unlawful for any person to move a vehicle after it has been posted with an impoundment order.

C. The penalty for violating this section shall be one hundred dollars for each citation issued.

10.24.120 Violation--Penalty. Unless another penalty is expressly provided, the penalty for violating provisions of this chapter are the same as those listed in the State of Alaska Traffic Bail Forfeiture Schedule pursuant to Rule 43.1 of the Administrative Rules of the Alaska Rules of Court for violation of 13 AAC 02.340 through 13.AAC 02.337. (Ord. 410-00 §2, 2000)

Chapter 10.25

OFF-STREET PARKING

Sections:

- [10.25.010 Intent](#)
- [10.25.020 Definitions](#)
- [10.25.030 Off-street parking --General](#)
- [10.25.035 Overnight parking of trailers and campers](#)
- [10.25.040 Requirements](#)
- [10.25.050 Intended use](#)
- [10.25.060 Number of spaces required](#)
- [10.25.070 Design requirements](#)
- [10.25.080 Site Plan requirements](#)
- [10.25.090 Location of Parking areas](#)
- [10.25.100 Performance standards](#)
- [10.25.110 Joint use parking area](#)
- [10.25.120 Parking within setback areas](#)
- [10.25.130 Off-site parking--General](#)
- [10.25.140 Requirements](#)
- [10.25.150 Sign requirements](#)
- [10.25.160 Joint use--Off-site](#)
- [10.25.170 Statement of record](#)
- [10.25.180 Loading areas--Required](#)
- [10.25.190 Loading areas--Design requirements](#)
- [10.25.200 Nonconforming parking and loading areas](#)
- [10.25.210 Requirements--Private property](#)
- [10.25.220 City-owned land](#)
- [10.25.230 City-owned off-site multiple use parking facilities](#)
- [10.25.240 Procedure](#)
- [10.25.250 Administration](#)
- [10.25.260 Variance generally](#)
- [10.25.270 Variance--Conditions precedent to granting a variance](#)
- [10.25.280 Variance--Application procedure](#)
- [10.25.290 Variance procedure--Hearing](#)
- [10.25.300 Variance procedure--Decision](#)
- [10.25.310 Invalidation](#)
- [10.25.320 Appeals of the Planning and Zoning Commission Decisions--General](#)
- [10.25.330 Variance--Appeals--Procedure](#)
- [10.25.340 Enforcement--General](#)
- [10.25.350 Inspection](#)
- [10.25.360 Violations](#)

10.25.010 Intent. The intent of this chapter is to:

A. Promote the safety, convenience, comfort and common welfare of the public by providing for minimum standards to regulate parking of vehicles in a safe and efficient manner, so as to avoid the unnecessary congestion and interference with the public use of street, to reduce traffic hazards and to provide a safe operation of traffic circulation, and

B. To differentiate parking requirements within the City of Whittier.

10.25.020 Definitions. In this chapter, unless otherwise provided, or the context otherwise requires, the following words and phrases shall have the meanings set forth below:

A. **"Arterial"** means a street or highway which provides as a major function the transmission of vehicular through-traffic along its prolongation of length (In preference to traffic entering the street or highway from an abutting lot or intersecting road), and which performs a major role in serving the transportation needs of the community, and which is identified as a "major arterial" or "community arterial" in the Whittier Master Plan for Roads and Streets.

B. **"Driveway"** means the aisle are within a parking lot which abuts designated parking spaces and which is reserved exclusively for ingress, egress and maneuvering of automobiles in and out of those spaces.

C. **"Loading space"** means an off-street space on the same lot with a serviced building or contiguous to a group of buildings, designated or intended for the use of temporarily parked commercial vehicles while loading or unloading, and which abuts upon a street, alley or other appropriate means of access.

D. **"Park"** means to stand a vehicle, whether occupied or not, for a period of time greater than is reasonably necessary for loading and unloading.

E. **"Parking lot"** means a group of parking spaces, and all abutting driveway space required by this chapter for the number and configuration of those spaces, provided, that the parking spaces must be situated in a manner that conforms to the design standards of this chapter, and does not lead to conflicts in vehicle maneuverability or parking space access.

F. **"Parking space"** means a permanently surfaced area of not less than one hundred eighty square feet (nine feet wide and twenty feet long), which has adequate access to a public street or alley, which permits the satisfactory ingress and egress of an automobile, and which is reserved for the intended use described in Section 10.25.010.

G. **"Parking stall"** is synonymous with **"parking space."**

10.25.030 Off-street parking --General. These parking provisions apply to all land area within the City of Whittier. The City Manager or his designee is responsible for implementation of this chapter. The requirements of the Chapter are subject to review by the Whittier Planning and Zoning Commission.

10.25.035 Overnight parking of trailers and campers.

A. No motorhome, camper or camping trailer may be parked overnight from twelve midnight to six a.m. along any public street for the purpose of camping, neither may a utility trailer or boat trailer be allowed to be parked, either connected or disconnected from a vehicle, on a public street or on public property situated within the city, except in authorized areas designated by the city as a permissible overnight parking area or at the city camper park.

B. Violation of any provision of this section is a misdemeanor and punishable by a fine not to exceed three hundred dollars together with a formal complaint.

10.25.040 Requirements. Every building erected, and every building reconstructed or structurally altered such that the existing use is enlarged or the capacity increased by adding or creating dwelling units, guest rooms, bedrooms, floor area, seats or employees, and every building reconstructed or structurally altered such that the use is altered, after the adoption of the ordinance from which this chapter derives, shall provide, permanently available and at all times maintained, the number of parking spaces required in Section 10.25.060. Suitable substitute parking which meets all other requirements in numbers, design details and maintenance may be provided within three hundred feet as provided within Section 10.25.070.

10.25.050 Intended use. The intended use of all parking spaces required in Section 10.25.040 and 10.25.060 is the temporary storage of operable automobiles in the interval of time between usage as a medium of transportation. Parking spaces shall not be used for storage of boats, abandoned or inoperable vehicles, dumpsters or other objects not within the scope of the intended use as defined in this chapter.

10.25.060 Number of spaces required. The number of off-street parking spaces required shall be no less than as set forth in the following, provided that in the case of two or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the uses computed separately:

A. Single-family, multi-family dwellings and day care homes: At least two parking spaces per dwelling unit.

B. Townhouses: At least two and one-half parking spaces per dwelling unit.

C. Hotels, motels, rooming: One space per guest room.

10.25.070 Design requirements.

A. The dimensional standards illustrated in Figure 1 shall be the minimum required.

B. Designated parking space and driveways required under the provisions of this chapter shall be free of any physical feature which impedes or obstructs full use of those spaces or driveways for the purposes intended.

C. All parking facilities, including parking spaces and driveways, shall be located on private property, and as specified in Section 10.25.060. Placement of parking facilities in designated rights-of-way shall not be permitted.

D. Parking angles other than the standard angles tabulated in Figure 1 shall be permitted only if the business, commercial, or public establishment, or institution demonstrates to the satisfaction of the City that the dimensional requirements for alternate parking angles do not permit the required number of parking spaces to be provided on lot. In such case, the City Manager may determine other appropriate dimensional requirements for alternate parking angles.

E. In the case of a parking space or group of spaces, in which two or more interpretations may be made concerning applicable dimensional standards according to Figure 1, the City Manager shall make the appropriate determination. Such determination will consider the geometry of the lot and parking area, and the configuration of physical features on the lot.

DESIGN STANDARDS
FOR
OFF-STREET PARKING

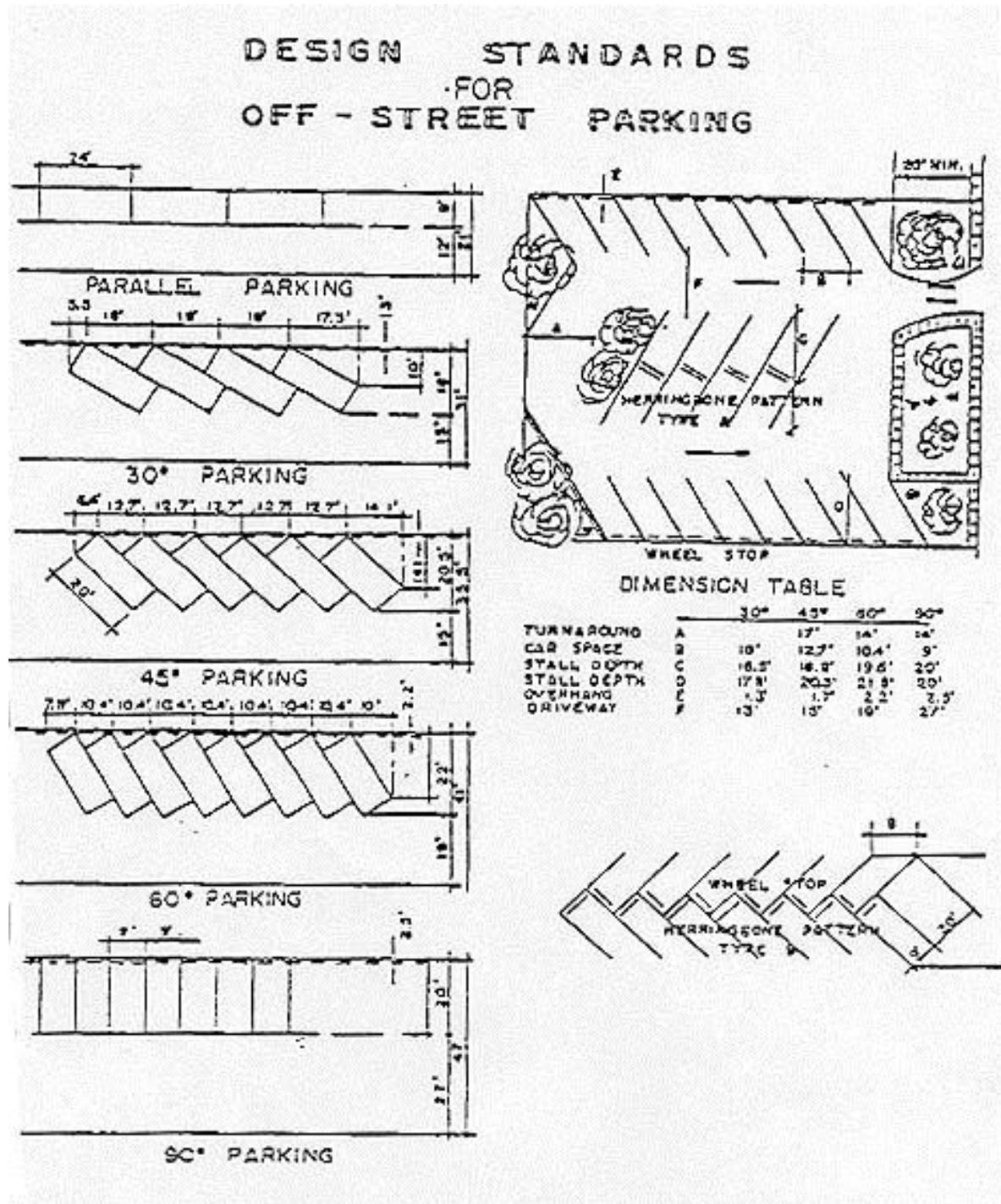


Figure 1

PARALLEL PARKING HERRINGBONE PATTERN
TYPE A
30° PARKING
45° PARKING
60° PARKING

DIMENSION TABLE

| | 30° | 45° | 60° | 90° |
|------------|-----|-----|-----|-----|
| Turnaround | A. | 17' | 14' | 14' |

| | | | | | |
|-------------|----|-------|-------|-------|------|
| Car Space | B. | 10' | 12.7' | 10.4' | 9' |
| Stall Depth | C. | 16.5' | 18.8' | 19.6' | 20' |
| Stall Depth | D. | 17.8' | 20.5' | 21.8' | 20' |
| Overhang | E. | 1.3' | 1.7' | 2.2' | 2.5' |
| Driveway | F. | 13' | 15' | 19' | 27' |

F. All off-street parking facilities shall be designed with appropriate means of vehicular access to street or alley and adequate maneuvering area.

G. All parking facilities, except those which serve single-family and duplex residences, shall be so arranged that vehicle ingress

and egress is possible using a forward motion. Turnaround areas shall be provided if necessary to effect this arrangement; the dimensions of such turnaround areas shall be subject to approval and/or specification by the City Manager or Engineer.

H. At the intersection of any private drive or entrance or exits for a parking area with a public street, no fence, wall, hedge or other planting or structure forming a material impediment to visibility between a height of two and one-half feet and eight feet shall be erected, planted, placed or maintained, and no vehicle so impeding visibility shall be parked within triangular areas defined by lines connecting points as follows:

Beginning at the point where the midline of the private drive or entrance or exit for a common parking area intersects the public right-of-way, thence to a point thirty-five feet along the right-of-way line in the direction of approaching traffic, thence to a point twenty-five feet toward the interior of the property along the previously described midline, and thence to point of beginning (no such visibility triangle need be maintained on the side of the drive, entrance or exit away from approaching traffic on the same side of the street).

I. Any lighting or parking spaces and lots shall be arranged so as to have the main thrust of the light reflect away from public rights-of-way and any adjoining residential properties.

J. When an area used for commercial or industrial parking, loading, or servicing abuts a lot of residential use or district, it shall be screened from view of the adjoining property by a wall, fence or planting. This screening shall be adequate in height to screen the parking, loading or servicing activity.

K. When an area used for parking for a multi-family dwelling requiring ten or more spaces abuts a lot of residential use or district, it shall be screened from view of the adjoining property by a wall, fence or planting. This screening shall be adequate of height to screen the parking.

10.25.080 Site plan requirements.

A. All businesses, commercial and/or public establishments and institutions within the City shall submit to the City Manager a plan detailing the location and configuration of all parking spaces and driveway area required for any on-lot or off-lot parking. Each plan shall conform to the design standards of Section 10.25.070, as adapted to the physical conditions of the lot. Each plan shall moreover detail location and dimensions of driveways and parking stalls, parking lot ingress and egress points, building location, and location of relevant physical features. Plans shall moreover be legible and drawn to an appropriate scale.

B. The City shall review all plans to ensure the design standards are adhered to and provisions have been made for minimum interference with street traffic, safe interior circulation and parking. If the City finds that a plan does not conform to the design standards of this chapter, it shall return the plan to the owner of the appropriate business, commercial or public establishments, or institutions for revisions. If the parking plan varies because of the configuration with the lot, the plan must be reviewed by the Whittier Planning and Zoning Commission.

10.25.090 Location of parking areas. Off-street parking facilities shall be located as specified in this chapter:

A. For a single-family and multiple-family dwelling, the parking facility shall be located on the same lot or building site as the building they are required to serve.

B. For uses other than specified above, parking facilities must be of probably use to the patrons of the building it is intended to serve and be within a distance of three hundred feet, except for motels, hotels, rooming houses, dormitories and lodges in which case parking facilities must be within two hundred feet.

C. The distance shall be measured from the nearest lot line on which the structure served is located to the nearest lot line on which the parking is located. Measurement shall be along public or private right-of-way available for pedestrian access from the structure to the parking space. Evidence must be shown that the right-of-way is

improved and will be maintained in order to insure pedestrian access from one parking area to the structure.

10.25.100 Performance standards.

A. Parking facilities required under Sections 10.25.040 and 10.25.060 shall be constructed in accordance with the parking layout plans required under Section 10.25.070. Any deviations from those plans must be approved by the City Manager prior to approval for use.

B. All parking facilities within the City shall be permanently surfaced with a suitable gravel base or paved with concrete or asphalt compound prior to approval for use by the City.

C. All parking facilities shall be graded sufficiently to drain properly.

D. The surface slope under parking stalls shall not exceed three percent in directions longitudinal to parking stalls, nor five percent in directions parallel to the shorter dimensions of those stalls, unless authorized by the City Manager.

E. Driveway surface slopes shall not exceed five percent in any direction unless authorized by the City Manager.

F. Signing or other provisions designating parking lot layout shall be required if the City determines that the layout is not apparent to the general public.

G. No wall, post, guardrail or other obstruction that would restrict car door opening shall be permitted within five feet of the centerline of a parking space.

10.25.110 Joint use parking area. Joint use of off-street parking facilities may be permitted by the Planning and Zoning Commission subject to the following conditions:

A. The off-street parking requirements for a church, auditorium, club, lodge or other buildings of limited use may be supplied through the use of off-street parking facilities provided for certain other uses such as business offices, retail stores, and manufacturing or wholesale buildings whose operations are not normally conducted during the same hours.

B. Off-street parking space designated for joint use shall meet the requirements for such parking as specified in Sections 10.25.040 through 10.25.070.

C. Sufficient evidence shall be presented to the Planning and Zoning Commission to demonstrate that there will exist no substantial conflict in the principal operating hours of the use or structures for which the joint use is proposed.

D. The use of off-street parking space for joint use shall be subject to the prior approval of the Planning and Zoning Commission.

10.25.120 Parking within setback areas. Required off-street parking may be allowed within any setback areas provided the following conditions are met:

A. Parking in such areas shall be allowed only if there is sufficient maneuvering space for the driver of any vehicle to enter and leave the parking area without interfering with the normal flow of traffic.

B. Backing of vehicles onto arterials is prohibited.

C. Backing of vehicles on all other streets or roadways from setback areas into the traveled roadway shall be allowed only from established driveways or curb cuts.

10.25.130 Off-site parking-- General. Off-site parking may be used where space is not available on site. Off-site parking provisions do not apply to loading areas. Off-site spaces shall be located only in districts in which similar off-street parking is permitted.

10.25.140 Requirements. The off-site parking area shall be:

A. Held in fee simple by the same owner as the use requiring the off-street parking space; or

B. Under lease, rental or other form of agreement satisfactory to the City as assuring continuing availability for required off-street parking for the use; or

C. Established by the City for the purpose of providing such off-site parking for specific areas and/or land uses, and with number of spaces allocated by specific individual lots. Where and to the extent that such sites serve specific businesses or residences, spaces allocated shall be marked and reserved for individuals or

establishments. Spaces allocated may be marked and reserved, or may be made available for general public use, in whole or in part;

D. Be dedicated for use as an off-site parking space under conditions that will guarantee continuing availability satisfactory to the City. Such conditions shall include evidence of a recorded agreement.

E. Meet the requirement of Sections 10.25.070 through 10.25.100.

10.25.150 Sign requirements. Businesses utilizing off-site parking shall post at least one sign on the front of the building advising of the location of the off-site parking. Such signs shall be no larger than nine square feet. In addition, a sign of similar size, set back a minimum of ten feet from the right-of-way, shall be posted at the lot identifying it as parking for the particular business. Such signs shall not block the site distance required in subsection (h) of Section 10.25.070.

10.25.160 Joint use--Off-site. Off-site parking shall utilize the provisions for joint use parking areas as out-lined in Section 10.25.070.

10.25.170 Statement of record. If any lot or portion thereof other than the lot on which a structure or use is located is to be used as off-street parking space in conformity with the provisions of this chapter, the following statement shall be recorded:

In accordance with the requirements of the City Code of Whittier, Section **10.25.070**, the property hereinafter described has been designated as off-street parking described as follows: (insert legal description of property upon which structure or use is located). Under the terms of said Ordinance, the hereinafter described property cannot be used for any other purpose unless this restriction is first removed by resolution of the Whittier City Council. The property first hereinafter referred to is described as follows: (insert legal description of property upon which required parking space is located). Upon submission of satisfactory evidence either that other parking space meeting the requirements of this chapter has been provided or that the building or use has been removed or altered in use so as to no longer require the parking space, the Whittier City Council, at its next regular meeting, shall, by resolution, remove the restriction from the property. A copy of the resolution shall be made available to the owner of the property for the purpose of recordation.

10.25.180 Loading areas--Required. Any business or industrial building, commercial or industrial establishment shall provide adequate off-street facilities for the loading and unloading of merchandise and foods within or adjacent to the building, in such manner as not to obstruct freedom of traffic movement on the public rights-of-way, and in parking areas.

10.25.190 Loading areas--Design requirements.

A. Loading areas shall be of sufficient size to permit loading and unloading without interference with or projection into any public right-of-way. Loading areas shall be provided with access to any public right-of-way. Any yard or setback requirement may be used for such purpose.

B. When such loading area consists of established parking spaces, the use as a loading area may not be longer than four hours in any twenty-four hour period.

10.25.200 Nonconforming parking and loading areas. Lawful parking spaces and loading areas may be continued provided, that these existing uses that are not in conformance with this chapter shall be brought into conformance therewith. Variances may be granted pursuant to Sections 10.25.070 through 10.25.100 of the City Code. If the off-street parking or loading areas required by this chapter in relation to specified uses of land, structures or premises are not in accord with the requirements of this chapter; no change shall be made in such characteristics of use which increases nonconformity with these

requirements. Change shall be permitted only in the direction of conformity to the requirements of this chapter.

10.25.210 Requirements--Private property.

A. Existing Residential Use. Parking facilities accessory to dwelling units shall be located on the same property as served and provide at least two parking spaces. If this is not possible, because of limited land area, or unique location, spaces accessory to dwelling may be located on adjacent property, or off-site.

B. Business Use. Adequate parking for year-round permanent employees, up to a maximum of five spaces shall be provided on the same property as served. If more than five spaces are necessary to accommodate year-round permanent and/or any other employees, arrangements should be made for use of adjacent property, city property, and/or off-site.

10.25.220 City-owned land. The City may lease the use of parking areas to business. This use may be part of the required parking plan.

A. Watchman Residential use. Parking facilities accessory to watchman dwelling units shall be located on the same property as served, and provided at least two parking spaces. If this is not possible because of limited land area or unique location, parking space will be located on city-owned multiple use parking facilities.

B. Business Use. Adequate parking for year-round permanent employees, up to a maximum of five spaces shall be provided on the same property as served. If more than five spaces are necessary to accommodate year-round permanent and/or any other employees, arrangements should be made for use of adjacent property, city property, and/or off-site.

10.25.230 City-owned off-site multiple use parking facilities. Required parking for a development may be located off-site in City-owned multiple use parking areas under certain circumstances. Requests for use of the City-owned parking facilities must require that the use shall be located so that it will adequately serve the use for which it is intended. In making this determination, the following factors shall be considered:

- A. Proximity of the off-site parking facility;
- B. Ease of pedestrian access to the off-site parking facilities;
- C. The type of use the off-site parking facilities are intended to serve.

10.25.240 Procedure.

A. Parking Plan Required. Every business, on both City-owned and private land shall submit to the City Manager a parking plan detailing the location and configuration of all parking spaces and driveway area required for their use or uses. The parking plan shall conform to standards set forth in Section 10.25.070. If the parking plan meets the requirements of Section 10.25.070 the City will issue a letter of approval of the parking plan, and keep the plan on file for future inspection.

B. The City shall review all plans to ensure that design standards are adhered to and provisions have been made for minimum interference with street traffic, safe interior circulation and parking. If the City finds that a plan does not conform to the design standards of this chapter, it shall return the plan to the owner of the appropriate business, commercial or public establishments, or institutions for revisions.

C. If the parking plan varies because of the configuration with the lot, the plan must be reviewed by the Whittier Planning and Zoning Commission with concurrence of the Port and Harbor Commission. Planning staff shall then coordinate with the applicant to schedule the parking plan review on the next convenient Planning and Zoning Commission agenda.

10.25.250 Administration. The following mechanisms in Sections 10.25.260 through 10.25.360 are set forth to guide the implementation of this title.

10.25.260 Variance generally. A variance may be granted to provide relief when a literal enforcement of the regulations and standards pertaining to the parking requirements would deprive a

property owner of rights commonly enjoyed by other properties in the City.

10.25.270 Variance--conditions precedent to granting a variance.

- A. All of the following conditions shall exist before a variance may be granted:
1. Special conditions and circumstances exist which are peculiar to the land or structure involved;
 2. A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in otherwise like circumstances;
 3. The special conditions and circumstances have not been caused by actions of the applicant.
- C. The variance requested shall be in harmony with the purpose and intent of the district and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- D. Nonconforming land use or structure, as defined by the duly adopted zoning ordinance, within the City shall not be considered grounds for granting a variance of the parking and loading requirements.
- E. Pecuniary hardship only shall not be sufficient reason for granting a variance.

10.25.280 Variance--Application procedure.

Applications for a variance shall be submitted to the office of the City Manager and shall contain at least the following:

- A. All information required to demonstrate to the Planning and Zoning Commission that the request conforms to the requirements of Section 10.25.070;
- B. Certification of the owner of record that he is aware of and consents to the variance request;
- C. A legal description of the property(ies) involved;
- D. Plans and other documents showing existing parking and loading requirements and proposed location of other parking and loading areas, including vicinity map showing distance from parking areas to property being served by such parking;
- E. Application fee of seventy-five dollars.

10.25.290 Variance procedure--Hearing.

- A. The Planning and Zoning Commission shall hold a public hearing after notice of such hearing has been posted at least fifteen days in advance of the scheduled meeting in at least six public places in the city, including the city offices. The notice shall be published during each of the two calendar weeks prior to the public hearing date.
- B. Notice of such application and hearing shall be sent to all property owners within three hundred feet of the proposed location of the parking or loading area.
- C. The notice shall contain at least the following information:
1. A brief description of the proposal on which the Planning and Zoning Commission will act;
 2. The legal (and common, if any) description of the location of proposed parking and loading areas and the property to be served by it;
 3. The date, time and place of the hearing; and
 4. The person and place to contact for more detailed information and the address where written comments should be sent.

10.25.300 Variance procedure--Decision.

A. Within fifteen days after the public hearing, the request shall be denied, granted or additional information required. The applicant shall be notified by certified mail of the decision and the reason for the decision. If additional information is requested, the applicant shall have ten days from receipt of written notification to comply with the request. However, an extension may be granted upon written request by the applicant. If applicant fails to provide the additional information in the time allowed, the variance request shall be considered denied. If the applicant provides the information, the Planning and Zoning Commission shall grant or deny the request for the variance at the next regularly scheduled meeting.

B. In granting the variance, the Planning and Zoning Commission may make certain stipulations and conditions under which such variance shall be exercised such as, but not limited to, specifying

the distance the parking shall be from the property served, the number of accesses onto and off of adjoining right-of-way, etc.

10.25.310 Invalidation. A variance shall become null and void if not exercised within one year after being granted.

10.25.320 Appeals of Planning and Zoning Commission Decisions--General. Any decisions regarding parking made by the Planning and Zoning Commission may be appealed to the Whittier City Council sitting as Board of Adjustment.

10.25.330 Variance--Appeals--Procedure.

- A. Appeals may be requested by the party seeking the variance, a parking determination, approval of any requirement in this chapter, or any party owning property within three hundred feet of the area affected.
- B. The right of appeal is forfeited if any aggrieved party does not file an appeal with the City Clerk within fifteen days of the decision.
- C. Appeals from the Board of Adjustment shall be to the Superior Court.

10.25.340 Enforcement--General. The City Manager or his designee is responsible for enforcement of this chapter.

10.25.350 Inspection. Whenever necessary to make an inspection to enforce any of the provisions of this chapter or to verify compliance with these provisions, or whenever an authorized representative of the City has reasonable cause to believe that there exists on any premises a violation of the provisions of this chapter, the City representative may enter such premises at all reasonable times to inspect the same or to perform any duty imposed on the City by this chapter, provided that if such premises be occupied, he shall first present proper credentials and request entry; and if such premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the premises and request entry. If such entry is refused, the City representative has recourse to every remedy provided by law to secure entry. When the City representative has first obtained a property inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as provided in this section, to promptly permit entry therein by the City representative for the purpose of inspection and examination pursuant to this chapter.

10.25.360 Violations.

- A. If there is a violation of any provision of this chapter the City Manager, City Council or any person aggrieved may institute or cause to be instituted any appropriate criminal or civil action or proceeding to prevent, enjoin, abate, stop, remove or punish such violation.
- B. The owner, general agent, lessee or tenant of any building, structure, premises or any part thereof in which such violation has been committed or exists, and any architect, surveyor, builder, real estate broker, engineer, contractor or other person who commits, participates in, assists in or maintains violation of this chapter may each be found guilty of a separate offense and upon conviction suffer the penalties provided of this chapter.
- C. Nothing contained in this chapter shall prevent the City from taking such other action as necessary to prevent or remedy any violation. (Ord. 410-00 §3, 2000)

Chapter 10.28

PEDESTRIANS

Sections:

- 10.28.010 Control.**
- 10.28.020 Crosswalks.**
- 10.28.030 Crossing roadways.**
- 10.28.040 Restrictions.**
- 10.28.050 Driver responsibility.**

10.28.010 Control.

A. Pedestrians shall be subject to traffic control signals and signs and shall be granted those rights and be subject to the restrictions provided in this chapter.

B. A fine of ten dollars will be imposed on all violations of this section. (Prior code §15.25.010)

10.28.020 Crosswalks.

A. When traffic control signals or signs are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if necessary to yield to a pedestrian crossing a roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

B. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

C. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

D. A fine of ten dollars will be imposed on all violations of this section. (Prior code §15.25.020)

10.28.030 Crossing roadways.

A. No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb.

B. A fine of ten dollars will be imposed on all violations of this section. (Prior code §15.25.030)

10.28.040 Restrictions.

A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

C. No pedestrian shall cross a roadway at any place except in a crosswalk between adjacent intersections at which traffic control signals or signs are in operation.

D. No pedestrian shall cross a roadway other than in a crosswalk in any business district.

E. Where sidewalks are provided, no pedestrian shall walk along or upon an adjacent roadway.

F. Where sidewalks are not provided, any pedestrian walking along and upon a street or highway shall, when practical, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

G. No person shall stand in a roadway or in proximity to a street or highway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.

H. No person shall stand in any roadway or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (Prior code §15.25.040)

10.28.050 Driver responsibility.

A. Notwithstanding any provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding a horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

B. A fine of twenty-five dollars will be imposed on all violations of this section. (Prior code §15.25.050)

Sections:

10.32.010 License plate.

10.32.020 Lights.

10.32.030 Headlamps.

10.32.040 Rear lamps.

10.32.050 Projecting load.

10.32.060 Fog lamps.

10.32.070 Spotlights.

10.32.080 Stop lamps.

10.32.090 Color of lights.

10.32.100 Multiple beam lights.

10.32.110 Brakes.

10.32.120 Horns or warning signals.

10.32.130 Mufflers.

10.32.140 Gases and fumes.

10.32.150 Mirrors.

10.32.160 Windshields and rear windows.

10.32.170 Safety glass.

10.32.180 Windshield wipers.

10.32.190 Steering, wheels and body.

10.32.200 Shutoff valves.

10.32.210 Unsafe vehicles.

10.32.220 Inspection.

10.32.010 License plate.

A. No vehicle shall be driven or parked upon the streets or highways of the city unless its license plates for the current year are attached to the vehicle in the manner provided by the state law and are clean and legible.

B. A fine of ten dollars will be imposed on all violations of this section.

C. Residents of Whittier are exempt by state regulations (Ord. 135-88 §1(part), 1988; prior code §15.30.010)

10.32.020 Lights.

A. Every vehicle upon a street or highway at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person or vehicle on the street or highway at a distance of two hundred feet shall be equipped with lighted lamps and lighting devices as required by this chapter.

B. Whenever this chapter specifies a distance from which certain lamp and devices shall render a person or vehicle visible, or a distance within which such lamps or devices shall be visible, the requirement shall be applied directly ahead upon a straight and level unlighted street or highway under normal atmospheric conditions unless otherwise expressly provided.

C. A fine of fifteen dollars will be imposed on all violations of this section. (Prior code §15.30.020)

10.32.030 Headlamps.

A. Every motor vehicle other than a motorcycle, at the times specified in Section 10.32.020A, shall be equipped with two lighted and no more than four headlamps mounted on opposite sides of the front of the vehicle, and directly above or in advance of the front axle of the vehicle. The headlamps shall be located at a height, measured from their center, of not more than fifty-four inches nor less than twenty-eight inches above the level surface upon which the vehicle stands.

B. Every motorcycle, at the times specified in Section 10.32.020A, shall be equipped with at least one and not more than two lighted headlamps which shall conform to the requirements of this chapter.

C. A fine of ten dollars will be imposed on all violations of this section. (Prior code §15.30.030)

10.32.040 Rear lamps.

A. Every motor vehicle which is being drawn at the end of a combination of vehicles at the times specified in Section

10.32.020A, shall be equipped with one or more lighted rear lamps exhibiting red light plainly visible from a distance of five hundred feet to the rear.

B. Either the rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear license plate and render it clearly legible from a distance of fifty feet to the rear. When the rear license plate is illuminated by a lamp other than a required rear lamp, the lamps shall be turned on and off by the same control switch and the light source of the additional lamp shall have a minimum of three standard candle power and a maximum of fifteen standard candle power.

C. Every red rear lamp upon a vehicle shall be equipped with red glass lenses not less than two and seven eighths inches in diameter or six and one-half square inches in area and the light source shall not be less than three nor more than fifteen standard candle power and the voltage of any socket light source shall not be less than eighty-five percent of the design voltage of the battery supplying the current to the light source.

D. A fine of ten dollars will be imposed on all violations of this section. (Prior code §15.30.040)

10.32.050 Projecting load.

A. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of the vehicle, there shall be displayed at the extreme end of the load at the times specified in Section 10.32.020A, in addition to the required rear light, two red lights plainly visible under normal atmospheric conditions from a distance of at least five hundred feet to the sides and rear. At any other time there shall be displayed at the extreme end of the load a red flag or cloth not less than twelve inches square.

B. No lamp on any load as required by this section shall project a light of more than four apparent candle power.

C. A fine of ten dollars per foot beyond the limit in subsection A of this section will be imposed on all violations of this section. (Prior code §15.30.050)

10.32.060 Fog lamps.

A. Any motor vehicle may be equipped with not to exceed two fog lamps mounted upon the front below the level of the centers of the headlamps. The fog lamps shall be located at a height measured from the centers of such lamps of not less than sixteen inches above the level surface upon which the vehicle stands.

B. Fog lamps shall not be used in substitution of headlamps, except under conditions of rain or fog rendering use of head lamps disadvantageous.

C. Whenever fog lamps are used in substitution of headlamps as permitted herein, then two fog lamps mounted on opposite sides of the front of the vehicle must be lighted.

D. Every fog lamp used upon a motor vehicle shall be so adjusted and aimed that no part of the high intensity portion of the beam shall, at a distance of twenty-five feet, rise above the horizontal plane passing through the center of the lamp.

E. A fine of ten dollars will be imposed on all violations of this section. (Prior code §15.30.060)

10.32.070 Spotlights.

A. No person shall use a spotlight on a vehicle while the vehicle is in motion, except authorized emergency vehicles.

B. A fine of ten dollars will be imposed on all violations of this section. (Prior code §15.30.070)

10.32.080 Stop lamps.

A. Every motor vehicle shall be equipped with a stop lamp on the rear which shall emit a red or amber light and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with a tail lamp. The stop signal shall be plainly visible from a distance of one hundred feet to the rear, both during normal sunlight and during the hours of darkness.

B. A fine of ten dollars will be imposed on all violations of this section. (Prior code §15.30.080)

10.32.090 Color of lights.

A. All lights visible from the front of a vehicle other than a clearance, or identification or signal lamp or signal device, shall be

white or amber, except that an authorized emergency vehicle may display a red light or one blue light.

B. All lights visible from the rear of a vehicle, other than the light illuminating the rear license plate, and the light from a clearance or backup lamp or signal lamp or signal device or stop lamp, shall be red.

C. Public utility repair vehicles necessarily parked other than adjacent to the curb in a roadway for purposes of repairing public utility services, may be equipped with red, blue or amber lights displayed to the front, sides and rear, but these lights shall not be lighted when the vehicle is in motion.

D. A fine of ten dollars will be imposed on all violations of this section. (Prior code §15.30.090)

10.32.100 Multiple beam lights.

A. Except as hereinafter provided, the headlamps on motor vehicles at the times mentioned shall be so arranged that the driver may select at will between distributions of light projected to different elevations, subject to the following requirements and limitations:

1. There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions of loading under normal atmospheric conditions. The maximum intensity of this uppermost distribution of light or composite beam within one degree of arc or more above the horizontal level of the lamps when the vehicle is not loaded and shall not exceed eight thousand apparent candle power, and at no other point of the distribution of light or composite beam shall there be an intensity of more than seven thousand five hundred apparent candle power.

2. There shall be a lowermost distribution of light or composite beam so aimed that:

a. When the vehicle is not loaded, none of the high intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of eight inches below the center of the lamp from which it comes.

b. When the vehicle is not loaded, none of the high intensity portion of the light which is directed to the right of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of three inches below the level of the center of the lamp from which it comes.

c. In no event shall any of the high intensity of such lowermost distribution of light or composite beam project higher than a level of forty-two inches above the level on which the vehicle stands at a distance of seventy five feet ahead.

3. Where one intermediate beam is provided, the beam on the left side of the road shall be in conformity with subdivision 2 of this subsection except when arranged in accordance with the practice specified in subdivision 5 of this subsection.

4. All road beams shall be so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least one hundred feet ahead under normal atmospheric conditions.

5. Every motor vehicle which has multiple beam road lighting equipment shall be lighted whenever the uppermost distribution of the light from the headlamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle so equipped.

B. Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto, during the times here in specified the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions of loading under normal atmospheric conditions. The maximum intensity of this uppermost distribution of light or composite beam within one degree of arc or more above the horizontal level of the lamps when the vehicle is not loaded shall not exceed eight thousand apparent candle power, and at no other point of the distribution of light or composite beam shall there be an intensity of more than seventy-five thousand apparent candle power.

2. There shall be a lowermost distribution of light or composite beam so aimed that:

a. When the vehicle is not loaded, none of the high intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of eight inches below the center of the lamp from which it comes.

b. When the vehicle is not loaded, none of the high intensity portion of the light which is directed to the right of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of three inches below the level of the center of the lamp from which it comes.

c. In no event shall any of the high intensity of such lowermost distribution of light or composite beam project higher than a level of forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

3. Where one intermediate beam is provided, the beam on the left side of the road shall be in conformity with subdivision 2 of this subsection except when arranged in accordance with the practice specified in subdivision 5 of this subsection.

4. All road beams shall be so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least one hundred feet ahead under normal atmospheric conditions.

5. Every motor vehicle which has multiple beam road lighting equipment shall be equipped with a beam indicator which shall be lighted whenever the uppermost distribution of the light from the headlamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle so equipped.

C. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver, and in no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than a level of eight inches below the center of the lamp from which it comes at a distance of twenty-five feet ahead, and in no case higher than a level of forty-two inches above the level upon which the vehicle stands at a distance of seventy-five feet ahead.

D. Any violations of this sections must be corrected or a ten-dollar fine will be imposed. (Prior code §15.30.100)

10.32.110 Brakes.

A. No person shall operate on any street or highway any motor vehicle or combination of motor vehicles and other vehicles unless such motor vehicle and each unit of any such combination of vehicles is equipped with brakes adequate to bring such motor vehicle or combination of vehicles to a complete stop when operated upon dry asphalt or concrete pavement surface where the grade does not exceed one percent at the speed set forth in the following table within the distance set opposite such speeds:

| <u>Miles per Hour</u> | <u>Stopping Distance (feet)</u> |
|-----------------------|---------------------------------|
| 10 | 9.3 |
| 15 | 20.8 |
| 20 | 37.0 |
| 25 | 58.0 |
| 30 | 83.3 |
| 35 | 113.0 |
| 40 | 148.0 |
| 45 | 188.0 |

B. If a vehicle is equipped with more than one system of brakes, each shall be maintained in good working order.

C. Any vehicle which does not meet the requirements of this section may be moved only after receiving a special permit issued by the chief of police.

D. Violations of this section must be corrected or a ten-dollar fine will be imposed. (Prior code §15.30.110)

10.32.120 Horns or warning signals.

A. Every motor vehicle when operated upon a street or highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a

distance of not less than two hundred feet, but no horn shall emit an unreasonably loud or harsh sound.

B. The driver of a motor vehicle, when reasonable necessary to insure safe operation, shall give audible warning with his horn. Such horn shall not otherwise be used.

C. No vehicle shall be equipped nor shall any person use upon a vehicle any siren except as otherwise permitted in this subsection. Any authorized emergency vehicle may be equipped with a siren of the type approved by the police department but such siren shall not be used except when the vehicle is operated in response to an emergency call or when responding to a fire alarm or in the immediate pursuit of an actual or suspected violator of the law, in which situations the driver of the vehicle shall sound the siren when necessary to warn pedestrians or other drivers of the approach thereof.

D. No person shall back a vehicle whose driving view is obstructed to the rear across the sidewalk or from an enclosed space without continuously sounding an audible signal, which signal must be heard at a reasonable distance. The audible signal must be continued until the backing vehicle has completely stopped and just prior to starting to a forward position. The audible signals must allow or provide ample warning to persons or vehicles which might be affected by the backing vehicle.

E. Any violations of this section must be corrected or a fine of ten dollars will be imposed. (Prior code §15.30.120)

10.32.130 Mufflers.

A. Every motor vehicle shall at all times be equipped with a muffler in constant operation to prevent any excessive or unusual noise and no such muffler or exhaust system shall be equipped with a cut-out, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of the vehicle above that emitted by the muffler originally designed and installed by the manufacturer of the vehicle. A muffler is a device consisting of a series of chamber or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas from an internal combustion engine, and which is effective in reducing noise.

B. All violations of this section must be corrected or a fine of ten dollars will be imposed. (Prior code §15.30.130)

10.32.140 Gases and fumes.

A. The cab of any motor vehicle shall be reasonably tight against the penetration of gases and fumes from the engine or exhaust system. The exhaust system, including the manifold, muffler and exhaust pipes shall be so constructed as to be capable of being maintained and shall be maintained in reasonably gastight condition.

B. All violations of this section must be corrected or a ten-dollar fine will be imposed. (Prior code §15.30.140)

10.32.150 Mirrors.

A. Any motor vehicle which is so constructed or loaded, or when towing any vehicle which is so constructed or loaded, as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver's view the highway for a distance of at least two hundred feet to the rear of the vehicle under normal atmospheric and road conditions.

B. Any violation of this section must be corrected or a ten-dollar fine will be imposed. (Prior code §15.30.150)

10.32.160 Windshields and rear windows.

A. Every passenger-type vehicle other than a motorcycle, and every motor truck or truck-tractor, and every fire truck, fire engine or other fire apparatus, shall be equipped with an adequate windshield.

B. It shall be unlawful to operate any motor vehicle upon a street or highway within the city when the windshield or rear window is in such a defective condition as to impair the driver's vision either to the front or rear.

C. Any violation of this section must be corrected or a ten-dollar fine will be imposed. (Prior code §15.30.160)

10.32.170 Safety glass.

A. No motor vehicle, except motorcycles, shall be operated unless the motor vehicle is equipped with safety glass of a type approved by the vehicle's manufacturer.

B. The term "safety glass" as used in this section shall be construed as meaning glass, or glazing material, so manufactured, fabricated or treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from external sources or by glass or glazing material when the same is cracked or broken

C. Any violation of this section must be corrected or a ten-dollar fine will be imposed.

D. It shall be a violation of this chapter for any person to replace any glass or glazing materials used in partitions, doors, windows, windshields or wind deflectors in any motor vehicle with any material other than safety glass of a type approved by the vehicle's manufacturer. (Prior code §15.30.170)

10.32.180 Windshield wipers.

A. Every motor vehicle, except motorcycles, operating on a street or highway shall be equipped with self-operating windshield wipers which shall be maintained in good operating condition. Any windshield wiper shall provide clear vision during fog, snow or rain. This section shall not apply to snow removal equipment equipped with adequate manually-operated windshield wipers. Every new motor vehicle first registered after December 31, 1949, except motorcycles, shall be equipped with two such windshield wipers, one mounted on the right half and one on the left half of the windshield, which wipers shall be capable of operation at all times and under all conditions.

B. Any violation of this section must be corrected or a fine of ten dollars will be imposed. (Prior code §15.30.180)

10.32.190 Steering, wheels and body.

A. Any vehicle operated on the streets or highways which has any undue looseness of front wheels or steering assembly which may contribute to any unsafe condition or any other visible defective mechanical condition that would cause a difficult or uncertain steering, or any vehicle having any visible unreasonable amount of misalignment of the front or rear wheels, or any vehicle having any unnecessary sharp metallic protuberances which may endanger pedestrians, or any vehicle having any fenders or other equipment removed which would endanger the operator or others shall constitute a violation of this section.

B. Any violation of this section will result of the filing of a formal complaint and fine of up to three hundred dollars. (Prior code §15.30.190)

10.32.200 Shutoff valves.

A. No persons shall transport any explosive substance, inflammable liquid having a flash point of ninety degrees Fahrenheit or below, liquefied petroleum gas, or poisonous gas in a tank truck, trailer or semi-trailer which is equipped with an external shutoff valve unless the vehicle is also equipped with a shutoff valve inside each tank which is so constructed and placed that any damage, displacement or removal of the external shutoff valve, whether by accident or otherwise, will not of itself release or cause the escape of any part of the content of the tank truck, trailer or semi-trailer.

B. Any violations of this section will result in the filing of a formal complaint and a fine not to exceed three hundred dollars. (Prior code §15.30.200)

10.32.210 Unsafe vehicles.

A. No person shall drive or move on any roadway any motor vehicle, trailer, semi-trailer, pole trailer or any combination thereof, unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this chapter and the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person on the highway.

B. Any violation of this section will result in the filing of a formal complaint and a fine of not more than three hundred dollars. (Prior code §15.30.210)

10.32.220 Inspection.

A. Any police officer authorized to enforce these regulations may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by this chapter, or that equipment is unsafe or not in proper adjustment or repair, require the driver of such vehicle to stop and submit the vehicle to an inspection and test as may be appropriate.

B. In the event the vehicle is found to be in an unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver. The notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment, shall specify the items requiring repair or adjustment, and shall direct the operator to present the vehicle for inspection for the purpose of obtaining a certificate of inspection.

C. All violations must be corrected or a fine of ten dollars will be imposed.

D. No person driving a vehicle shall refuse to submit such vehicle to an inspection and test when required to do so. Failure to comply will result in a fifteen dollar fine.

E. No person shall operate any vehicle after receiving a notice pursuant to subsection B of this section except as may be necessary to return such vehicle to the residence or place of business of the owner or driver, if within a distance of twenty miles, or to a garage until the vehicle and its equipment have been placed in proper repair and adjustment and otherwise made to conform to the requirements of this chapter. A certificate of inspection and approval shall be obtained as promptly as possible. Failure to comply will result in a fine of fifteen dollars.

F. In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of the vehicle may obtain such repair or adjustment at any place he may choose, but an official certificate of inspection and approval must be obtained; otherwise such vehicle shall not be operated on the streets or highways of the city.

G. If not in compliance a ten dollar fine will be imposed unless otherwise specified as fifteen dollars. (Prior code §15.30.220)

Chapter 10.36

SNOW MACHINES

Sections:

[10.36.010 Definitions.](#)

[10.36.020 Prohibited uses.](#)

[10.36.030 Equipment.](#)

[10.36.040 Time restriction.](#)

[10.36.050 Compliance with state law.](#)

[10.36.060 Driver's license or permit.](#)

[10.36.070 Designated areas.](#)

[10.36.080 Towing.](#)

[10.36.090 Parent or guardian responsibility.](#)

10.36.010 Definitions. In this chapter unless the context otherwise requires:

A. "Park" means any area designated as a park or in common usage as a park or planned for use as a park by the planning commission of the city.

B. "Snow machine" means every motor-propelled device upon skis, skids or tracks, or any combination thereof, upon or by which a person or property may be transported or propelled, and expressly includes devices known as snow machines, ski machines or snowmobiles.

C. "Snow machine area" means any area which the city council has approved for the operation of snow machines within the city. (Prior code §15.35.010)

10.36.020 Prohibited uses. No person shall drive, operate, stop or move a snow machine:

A. In or upon a park or other city-owned property except in snow machine areas;

B. On private property of another without the express permission to do so by the owner or occupant of that property;

C. In a careless, reckless or negligent manner so as to endanger the safety of any person or property;

D. While under the influence of intoxicating liquor, narcotics or drugs;

E. Within one hundred feet of any established skating area, sliding area, skiing area or any location where the operation of a snow machine would conflict with the use of such area or endanger other persons or property;

- F. To intentionally drive, chase, run over or kill any animal;
- G. Without having such snow machines registered, as provided for in AS 6.30.010. Registration numbers shall be affixed on both sides of the cowl of the machine and the numerals shall be identical to current Alaska registration decals. The registration certificate is to be affixed to the main structural portion of the machine. The certificate shall be waterproofed or contained within a waterproof device or otherwise protected from mutilations and shall be clearly legible and available at all times;
- H. Above the allowable speed limit of ten miles per hour near or close by any occupied building or buildings. The speed of the snow machine is not to exceed ten miles per hour within the confines of the city limits of the city;
- I. While transporting weapons or other instruments used to hunt in other than an unloaded and enclosed condition;
- J. Without wearing a properly fitted full coverage crash helmet which has "Snell Foundation Z-90.I" or equivalent rating and such rating shall be affixed to and protected from mutilation in or on said helmet.

Any violation of this section shall result in the filing of a formal complaint and a fine of up to three hundred dollars. (Prior code §15.35.020)

10.36.030 Equipment. No person shall drive or operate a snow machine unless the machine is equipped with:

- A. A motor vehicle or motorcycle headlamp, with or without non-multiple beams so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead during hours of darkness under normal atmospheric conditions. Such headlamps shall be so aimed that glaring rays are not projected into the eyes of an oncoming driver;
- B. At least one red lamp exhibiting a red light plainly visible from a distance of five hundred feet to the rear during hours of darkness under normal atmospheric conditions;
- C. A "return to idle" spring in working order capable of returning the machine engine's carburetor to the closed position;
- D. A rear snow flap of sufficient material to contain a cleat, if thrown from the track, installed in a permanent manner and held down so as to contain all debris at all speeds;
- E. Carburetor intake and exhaust mufflers that limit the maximum noise level of the snow machine to eighty-six decibels "a" weighted scale as measured at fifty feet under maximum acceleration with wide open throttle as recommended and defined by the SAE Automobile Standard J 986 and USA Standard S 1.4-1961 and USA Standard S 1.11.1966. No person shall use a muffler cutout pass, or similar device on any snow machine;
- F. Adequate brakes to control the movement of and stop and hold the machine under normal conditions of operation;
- G. The machine shall have a windshield similar to manufacturer's original design and material.

Any violations of this section will result in a fine of ten dollars. (Prior code §15.35.030)

10.36.040 Time restriction.

- A. No person shall drive, operate, stop or move a snow machine within the city after ten p.m., nor before eight a.m., with the exception of use to and from that person's place of employment.
- B. Any violations of this section will result in a ten dollar fine. (Prior code §15.35.040)

10.36.050 Compliance with state law.

A. All provisions of AAC Title 13 and AS 44.62.180, regulating traffic and the operation of motor vehicles upon streets or roads shall apply to the operation of motor vehicles upon streets or roads shall apply to the operation of snow machines except those which by their nature can have no application.

Except as provided in this chapter, the driver or operator of a snow machine shall comply with all traffic rules and regulations governing motor vehicles and their equipment.

- B. All violations of this section will result in a fine of ten dollars. (Prior code §15.35.050)

10.36.060 Driver's license or permit.

A. Drivers or operators of snow machines who are sixteen years of age and older shall be required to have a valid current motor vehicle operator's license or permit.

B. Drivers or operators of snow machines who are twelve to sixteen years of age shall be required to take a driving test comparable to the required tests given a person sixteen years of age. After passing the test, a local permit will be issued, good for use in the city. The permittee shall have the permit in his possession while operating a snow machine, and shall comply with the provisions of this chapter.

C. All violations of this section will result in a fine of ten dollars. (Prior code §15.35.060)

10.36.070 Designated areas.

A. Snow machine operations may be permitted in or upon a park or in other areas designated for controlled or special snow machine events by the city council.

B. All violations of this section will result in a fine of ten dollars. (Prior code §15.35.070)

10.36.080 Towing.

A. No person shall operate a snow machine while towing a sled, toboggan or other object, nor any person riding on the same, unless such sled, toboggan or other object is attached to the snow machine by a rigid bar, and unless the towed object is equipped with red rear reflectors.

B. Any violation of this section will result in a fine of ten dollars. (Prior code §15.35.080)

10.36.090 Parent or guardian responsibility.

A. No parent or guardian of any child or ward shall knowingly permit the child or ward to violate any provision of this chapter. The parent or guardian of the child or ward is financially responsible for any personal or property damage caused by the child or ward.

B. All violations of this section will result in a fine of ten dollars. (Prior code §15.35.090)

Chapter 10.40

AIRCRAFT

Sections:

10.40.010 Landing restrictions

10.40.020 Violation—Penalty.

10.40.010 Landing restrictions. No aircraft shall land within the city except at an airport or heliport authorized by federal, state or local law or regulation. (Ord. 12-7-82A §1(part), 1982: prior code §15.40.010(a))

10.40.020 Violation—Penalty. Violation of any provision of this chapter is a misdemeanor and punishable by a fine not to exceed three hundred dollars together with a formal complaint. (Ord. 12-7-82A §1(part), 1982: prior code §15.40.010(b))