

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA
AMENDING TITLE 11 "VEHICLES AND TRAFFIC" OF THE SITKA GENERAL CODE
BY UPDATING CHAPTER 11.75 "ALL-PURPOSE VEHICLES"

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. **PURPOSE.** The purpose of this ordinance is to update the APV code (SGC 11.75.040) by permitting passengers on ATVs equipped with two seats by the manufacturer and by expanding the exceptions to the APV hours of operation prohibition by (1) including travel to and from the airport or ferry terminal for departures and arrivals, and (2) when snow plowing.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 11, entitled "Vehicles and Traffic", Chapter 11.75, entitled "All Purpose Vehicles", at Section 11.75.040, entitled "Operations of APVs on public roadways within the city and borough", be amended to read as follows (deleted language stricken, new language underlined):

Title 11
VEHICLES AND TRAFFIC

Chapters:

11.75 All-Purpose Vehicles

Chapter 11.75
ALL-PURPOSE VEHICLES

Sections:

11.75.040 Operations of APVs on public roadways within the city and borough.

F. Traffic Laws. The operator of an APV must observe all state and municipal laws which pertain to the operation of vehicles upon a public roadway. When driving on a public roadway within the city and borough, APVs:

- 53 1. Must stay on the correct side of the lane of traffic except when crossing the public
54 roadway;
- 55
- 56 2. Must travel in single file, not abreast of other moving vehicles or APVs;
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- 58 3. May not pass other moving vehicles or APVs;
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- 60 4. May not weave in and out of traffic;
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- 62 5. May not operate in any other manner that may be considered careless, reckless or
63 negligent;
- 64
- 65 6. May not allow passengers, except for UTVs equipped with seatbelts and ATVs
66 equipped with two seats by the manufacturer;
- 67
- 68 7. Must not exceed the weight limit as established by the manufacturer (including
69 cargo) and must be of a weight that the operator is able to control the movement of and
70 to stop and hold it under normal conditions of operations;
- 71
- 72 8. May not exceed the posted speed limit;
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- 74 9. Must be equipped with an engine of two hundred fifty cc or more;
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- 76 10. Must be able to travel at the posted speed limit of the public roadway it travels
77 upon;
- 78
- 79 11. Must be able to travel under two-wheel drive;
- 80
- 81 12. Must comply with noise and smoke rules as provided in Section 11.44.020;
- 82
- 83 13. Must comply with rules related to obstruction to a driver's view as provided in
84 Section 11.44.030;
- 85
- 86 14. Must not travel on public roadways while towing a trailer, sled, toboggan or other
87 object.
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89 G. Hours of Operation. Operation of an APV is prohibited on a public roadway within the
90 city and borough from twelve a.m. to five a.m. of every day of the week, except when
91 circumstances exist which justify an exception because operation of the APV was necessary or
92 unavoidable. Exceptions are limited to nonrecreational use and may only be allowed when
93 involved in an emergency or going to or returning from employment, without detour or stop, or
94 engaged in an employment activity, without detour or stop, or when traveling to and from the
95 airport or ferry terminal for departures and arrivals, without detour or stop, or when snow
96 plowing. There is no seasonal limitation on operation of APVs on public roadways within the
97 city and borough.

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101 **5. EFFECTIVE DATE.** This ordinance shall become effective the day after the date
102 of its passage.

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104 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of
105 Sitka, Alaska, this 23rd day of January, 2024.

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Steven Eisenbeisz, Mayor

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112 ATTEST:

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115 _____
Sara Peterson, MMC

116 Municipal Clerk

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118 1st reading: 1/9/24

119 2nd and final reading: 1/23/24

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121 Sponsors: Ystad / Pike

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