

**REGULAR MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY ALASKA,
COUNCIL CHAMBERS, CITY HALL
TUESDAY
September 20, 2016
6:30 p.m.**

**The meeting will be preceded by a Public Hearing for
Conditional Use Permit Application Planning Commission beginning at **6:00 p.m.****

The public is invited and encouraged to attend

1. CALL TO ORDER:
2. PLEDGE TO FLAG:
3. ROLL CALL:
4. APPROVAL OF AGENDA:
5. MAYOR'S REPORT:
6. CITY ADMINISTRATOR'S REPORT:
7. PUBLIC COMMENTS:
8. COUNCIL COMMENTS:
9. CONSENT AGENDA:
 1. Minutes for the September 6, 2016, Regular City Council Meeting, discussion and action item:
 2. Minutes for the September 6, 2016, Planning Commission Meeting, discussion and action item:
10. NEW BUSINESS:
 - A. Resolution 16-09-20-01, establishing variance application and conditional use application fees, discussion and action item:
 - B. Resolution 16-09-20-02, amending fee schedule for all applications and renewals of ATV, UTV and Golf Cart, discussion and action item:
11. ORDINANCE FOR INTRODUCTION:
 - A. Ordinance 16-09-20-01, amending Title 10-Vehicles and Traffic, Chapter 10.04-General Provisions, discussion and action item: (Second reading of Ordinance, re-introducing due to many revisions in original ordinance proposal-final public hearing will be October 10, 2016)
12. EXPENDITURES EXCEEDING \$2,000.00:
13. EXECUTIVE SESSION: The Council may adjourn to executive session for the purpose of discussing pending or threatened lawsuits in which the city has an interest, which are matters, the immediate knowledge of which would clearly have adverse effect upon the finances of the city.
14. CONTINUATION OF PUBLIC COMMENT:
15. CONTINUATION OF COUNCIL COMMENT:
16. ADJOURNMENT:

Posted: September 13, 2016 - City Hall (2), A&P, SISD, USFS, The Port, Tackle Shack Thorne Bay School, KRBD,
www.thornebay-ak.gov

CITY OF THORNE BAY
RESOLUTION 16-09-20-01

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, ESTABLISHING PLANNING AND ZONING FEES FOR VARIANCE APPLICATIONS, CONDITIONAL USE APPLICATIONS

WHEREAS, the City Council is the governing body of Thorne Bay, Alaska; and

WHEREAS, the Thorne Bay Municipal Code 17.04.014 Fees allows the city council, by resolution, to establish fees for land use actions of permits as it deems necessary; and

WHEREAS, the City is in the process of removing all fees from the Thorne Bay Municipal Code; and

WHEREAS, the variance process of the Thorne Bay Municipal Code states:

17.04.043 Variance Procedure - B. Application Procedure.

1. Applications must be initiated by the property owner or by an authorized representative. **The required fee must be paid** and an application on city forms must be filed no less than twenty-one days prior to the hearing date; and

WHEREAS, the City currently has no fee schedule set by resolution for variance applications or conditional use permit applications; and,

WHEREAS, the City of Thorne Bay has determined the need to establish fees for the process and notification of the variance and conditional use applications of Fifty (\$50) dollars, in order to cover cost of administrative time researching the variance and conditional use application requirements, and cost to cover postage for notifying surrounding property owners; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Thorne Bay establishes variance application fees and conditional use permit application fees at fifty (\$50) dollars.

PASSED AND APPROVED September 20, 2016

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

**MINUTES
OF THE
PLANNING COMMISSION
FOR THE
CITY OF THORNE BAY
September 6, 2016
6:00 p.m.**

The public was invited and encouraged to attend

1. CALL TO ORDER:

Mayor Gould called the meeting to order at 6:00 p.m.

2. PLEDGE TO FLAG:

The audience and council stood for the pledge to the flag.

3. ROLL CALL:

Gould, Carlson, Edenfield, Hartwell and Burger were present. McDonald attended by phone. Slayton attended at 6:02 p.m.

4. APPROVAL OF AGENDA:

Gould moved to approve the agenda. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda

F/S: Gould/Hartwell

YEAS: Burger, Gould, McDonald, Carlson, Edenfield, and Hartwell

NAYS: None

STATUS: Motion Passed.

Mayor Gould declared a conflict of interest regarding the Variance Application 16-08-01-McRae. Gould stated he was a neighbor to the applicant and would be directly affected by the outcome of the variance. Vice Mayor McDonald accepted Mayor Gould's conflict. Mayor Gould would not be participating in the discussion or action of the Variance Application. City Clerk advised the Mayor if he wished to comment regarding the variance he would need to do so during the public hearing.

5. PUBLIC HEARING:

- A. Public Hearing Sean McRae, Variance Application, 16-08-01, Lot 7, Block 5, Finney Drive, discussion and action item: Variance application request for permitting a 6.795-foot setback from road right-of-way; where City Code requires 10-foot setback from road right-of-way, PUBLIC HEARING

No presence of applicant or representation on his behalf at the public hearing. Gould moved to table public hearing. Slayton seconded the motion.

MOTION: Move to table public hearing

F/S: Gould/Slayton

YEAS: Gould, Hartwell, Burger, Carlson, Edenfield and Slayton

NAYS: McDonald

STATUS: Motion Passed.

6. NEW BUSINESS:

- A. Resolution 16-09-06-01-PZ, a resolution of the Planning Commission for the City of Thorne Bay, acting on the Variance Application 16-08-01 – McRae Variance, discussion and action item:

NO ACTION PUBLIC HEARING TABLED

8. COMMISSION COMMENTS:

No commission comments.

9. PUBLIC COMMENTS:

No public comments.

10. ADJOURNMENT:

Gould adjourned the meeting at 6:14 p.m.

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

MINUTES
REGULAR MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY ALASKA,
COUNCIL CHAMBERS, CITY HALL
TUESDAY
September 6, 2016
6:30 p.m.

1. CALL TO ORDER:

Mayor Gould called the meeting to order at 6:30 p.m.

2. PLEDGE TO FLAG:

The audience and council stood for the pledge to the flag.

3. ROLL CALL:

Gould, Carlson, Slayton, Edenfield, Hartwell and Burger were present. McDonald attended by phone.

4. APPROVAL OF AGENDA:

Gould moved to approve the agenda. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda

F/S: Gould/Hartwell

YEAS: Burger, Gould, McDonald, Carlson, Slayton, Edenfield and Hartwell

NAYS: None

STATUS: Motion Passed.

5. MAYOR'S REPORT:

No report given.

6. CITY ADMINISTRATOR'S REPORT:

Administrator report read. (Report attached to minutes)

Questions from council regarding Admin report:

Slayton stated there had been many calls to the Harbormaster that have gone unanswered from transient boaters. Slayton suggested a temporary or part time fill-in harbormaster during the weekends and nights. Wayne Benner stated that Lisa Roseland fills in when she can during her shifts with Taquan.

City Clerk gave update on City Elections. The Candidacy filing period closed on September 2, 2016. Absentee voting open September 6th through October 3rd, Absentee by mail applications must be received no later than September 29th, Election October 4, 2016. Sample ballots are available at the City Hall office and City website.

7. PUBLIC COMMENTS:

Dave Egelston commented on the following:

- Opposed allowing reality television to film in Thorne Bay. Believes it would not be in the best interest of the City
- Requested change in Ordinance 16-09-20-01, to include definition of UTV, as they are not included in the current ordinance. The ordinance as written a UTV would be classed in the definition of ATV, although they are designed much like a Golf Cart. ATV's require the use of helmet (under the age of 18) whereas Golf Carts do not.

PUBLIC COMMENTS CONTINUED:

Larry Watson commented on the following:

- Requested maintenance and tree brushing or trimming on Steep Road. Mr. Watson commented that the condition of the road was very poor, there were deep sink holes and trees blocking road visibility. Tim Lindseth had trimmed them in previous years, but they have seen grown back and blocking roadway.

Tim Lindseth commented on the following:

- Offered his services to help with improving the condition of Steep Road if the City would be willing to hire him. Lindseth stated he recently moved his equipment to Steep Road and is hauling rock for SeAlsaka. Lindseth stated he had planned to ask SeAlaska to help with funding to improve the road also.

Thom Cunningham commented on the following:

- Request the City spend time maintaining the Southside Subdivision, has been over one year since it has been graded on his road.

8. COUNCIL COMMENTS:

Mayor Gould thanked the public for their comments regarding the road conditions. Gould stated that was not something the council could act upon at this meeting, but will follow up. Risa Carlson inquired if the City had a schedule for road maintenance. Gould stated he would get with Wayne on the schedule, and the Kasaan road project would be a cost share with OVK.

9. CONSENT AGENDA:

1. Minutes for the August 23, 2016, Special City Council Meeting, discussion and action item:

Gould moved to approve the consent agenda, consisting of the August 23, 2016, Special City Council meeting minutes. Edenfield seconded the motion. There was no further discussion.

MOTION: Move to approve the consent agenda, consisting of the August 23, 2016, Special City Council meeting minutes

F/S: Gould/Edenfield

YEAS: Gould, Carlson, Edenfield, Slayton, Hartwell, McDonald and Burger

NAYS: None

STATUS: Motion Passed.

10. NEW BUSINESS:

- A. Appointment of election judges for the October 4, 2016, General Municipal Election, and setting election judge compensation at \$12.00 per hour, discussion and action item:

Gould moved to approve election judge compensation at \$12.00 per hour and appoint Donna Lacour, Cindy Egelston and Linda Rollins as Election Judges for City Election. Slayton seconded the motion. There was no further discussion.

MOTION: Move to approve election judge compensation at \$12.00 per hour and appoint Donna Lacour, Cindy Egelston and Linda Rollins as Election Judges for City Election

F/S: Gould/Slayton

YEAS: Slayton, Hartwell, Gould, Burger, Edenfield, McDonald and Carlson

NAYS: None

STATUS: Motion Passed.

B. Review of request for reality tv production within the City of Thorne Bay, discussion and action item:

Gould moved to approve for reality tv production within the City of Thorne Bay. McDonald seconded the motion. Gould stated he agreed with Dave Egelston's comments regarding reality tv production in Thorne Bay. Slayton stated he agreed that it would not be good for Thorne Bay's image to allow them to produce the show within the City. Slayton stated other communities had problems with them in their towns and it would not be good for Thorne Bay. McDonald and Burger concurred with the comments in opposition to allowing the production of reality tv within Thorne Bay. Carlson stated she did not like there was no monetary compensation offered in the agreement and the City needed funding for road repairs, so she did not see an advantage for allowing them to produce within Thorne Bay. There was further discussion.

MOTION: Move to approve for reality tv production within the City of Thorne Bay
F/S: Gould/McDonald
YEAS: None
NAYS: McDonald, Burger, Carlson, Gould, Edenfield, Hartwell, and Slayton
STATUS: Motion Failed

11. **ORDINANCE FOR PUBLIC HEARING:**

A. Ordinance 16-09-06-01, an ordinance amending Title 2-Administration and Personnel, Section 2.24.090-Compensation, discussion and action item:

Gould moved to approve Ordinance 16-09-06-01. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 16-09-06-01
F/S: Gould/Hartwell
YEAS: Edenfield, Burger, Hartwell, Carlson, Gould, Slayton and McDonald
NAYS: None
STATUS: Motion Passed.

12. **ORDINANCE FOR INTRODUCTION:**

A. Ordinance 16-09-20-01, amending Title 10-Vehicles and Traffic, Chapter 10.04-General Provisions, discussion and action item:

Hartwell moved to approve Ordinance 16-09-20-01. Gould seconded the motion. Discussion of concerns regarding the requirement of helmets, definition not including UTV, ATV's not manufactured with turn signals. Hartwell amended his motion to include definition of UTV, amend helmet requirement, strike "city youth permit" and add "ATV's manufactured with turn signals". Gould amended his second to the motion. City Clerk suggested the Council add third reading for Ordinance 16-09-20-01, due to amendments, putting the final reading October 10, 2016. There was discussion on keeping ATV code "simple" and educating ATV users on the rules. Slayton encouraged that if people see a violation of ATV use, then inform the user that they may lose their privilege to operate their ATV in City limits. Slayton stated that could help to eliminate many of the ATV problems.

MOTION: Move to approve Ordinance 16-09-20-01, add "definition of UTV", amend helmet requirement, strike "city youth permit" add "ATV's manufactured with turn signals"
F/S: Hartwell/Gould
YEAS: McDonald, Burger, Edenfield, Carlson, Gould, Slayton and Hartwell
NAYS: None
STATUS: Motion Passed

13. EXPENDITURES EXCEEDING \$2,000.00:

A. Expenditure of \$25,000, for Fire Truck, discussion and action item:

Gould moved to approve the expenditure of up to \$25,000.00, for the purchase of a fire truck. Hartwell seconded the motion. Benner stated he would initially offer Sitka \$5,000.00 for the Fire Truck and go from there. Hartwell stated he believed the City had lent a fire truck to a neighboring community a few years back and suggested the City look into that. There was further discussion.

MOTION: Move to approve the expenditure of up to \$25,000.00, for the purchase of a fire truck

F/S: Gould/Hartwell

YEAS: Burger, McDonald, Edenfield, Gould, Hartwell, Slayton and Carlson

NAYS: None

STATUS: Motion Passed.

B. Expenditure of \$70,000, to DOWL for engineering and administration for sidewalk on Freeman Drive, discussion and action item:

Gould moved to approve the expenditure of \$70,000.00, to DOWL for engineering and administration for sidewalk on Freeman Drive. McDonald seconded the motion. Gould stated the sidewalk project was funded by a grant and the City match included in-kind services. Hartwell inquired how much the City would actually pay towards the project. Benner stated the total project was \$385,000.00, and the City would pay \$70,000.00 to DOWL. Slayton inquired why the cost was so high for DOWL. Benner replied the expense included engineering, drainage, curb and gutter, and power pole work.

MOTION: Move to approve the expenditure of \$70,000.00, to DOWL for engineering and administration for sidewalk on Freeman Drive

F/S: Gould/McDonald

YEAS: Hartwell, Carlson, Burger, Edenfield, McDonald, Slayton and Gould

NAYS: None

STATUS: Motion Passed.

C. Expenditure of \$43,500 for Kasaan Road Improvements, discussion and action item:

Gould moved to approve the expenditure of \$43,500.00, for Kasaan Road Improvements. McDonald seconded the motion. Gould stated the improvements would be the first stretch of the Kasaan road beginning at the Goose Creek/Kasaan Road turn-off from the highway. Benner stated the project was funded by RAC Grant and the total project was a joint venture between Organized Village of Kasaan and the City of Thorne Bay. Both communities would be contributing required match with in-kind services. There was further discussion.

MOTION: Move to approve the expenditure of \$43,500.00, for Kasaan Road Improvements

F/S: Gould/McDonald

YEAS: McDonald, Burger, Carlson, Gould, Hartwell, Slayton and Edenfield

NAYS: None

STATUS: Motion Passed.

D. Expenditure of \$49,000 for Path from Boat Launch to Port, discussion and action item:

Gould moved to approve the expenditure of \$49,000.00, for path from the City boat launch to the Port. Hartwell seconded the motion. There was discussion of the side walk and pathway addressing the safety of children and visitors who currently have to walk in the road because there is no sidewalk or path along Shoreline Drive or Freeman Drive.

MOTION: Move to approve the expenditure of \$49,000.00, for path from the City boat launch to the Port

F/S: Gould/Hartwell

YEAS: Edenfield, Burger, Hartwell, Carlson, Gould, Slayton and McDonald

NAYS: None

STATUS: Motion Passed.

E. Expenditure of \$42,700 for Path from the Port to the Claw, discussion and action item:

Gould moved to approve the expenditure of \$42,700.00, for a path from the Port to the claw. Hartwell seconded the motion. There was further discussion.

MOTION: Move to approve the expenditure of \$42,700.00, for a path from the Port to the claw

F/S: Gould/Hartwell

YEAS: McDonald, Burger, Edenfield, Carlson, Gould, Slayton and Hartwell

NAYS: None

STATUS: Motion Passed.

14. EXECUTIVE SESSION: The Council may adjourn to executive session for the purpose of discussing pending or threatened lawsuits in which the city has an interest, which are matters, the immediate knowledge of which would clearly have adverse effect upon the finances of the city.

No executive session was called.

15. CONTINUATION OF PUBLIC COMMENT:

Jim McFarland commented on the following:

- Thanked council for declining request for reality tv production in Thorne Bay
- Thanked the council for reviewing ATV code and concurred with a third reading on the ordinance change so that users may be aware of what is happening.
- Dinner out in Thorne Bay at the Thorne Bay School, 5:00 p.m. dinner and ASC Meeting at 6:00 p.m.

Greg Kerkof commented on the following:

- Agreed with decision not to allow reality tv in Thorne Bay
- Willing to monitor VHF without compensation when in town
- ATV Ordinance Amendment:
 - Oppose ATV ordinance change
 - Agrees that there is a problem with young kids not obeying the traffic laws on the ATV's, but suggests that they are addressed individually
 - Against requiring a helmet on all passengers under 18, some are with responsible parents and some children too small for helmet to fit properly
 - Likes Thorne Bay is relaxed, and reluctant to see new laws imposed, when educating the children on ATV safety is what is needed

CONTINUATION OF PUBLIC COMMENT:

Gary Anderson commented on the following:

- Apologized for being tardy for Planning Commission meeting, and stated it was unavoidable
- Encouraged council to keep ATV ordinance simple, follow the law or lose your privilege
- Feels the ordinance for introduction on ATV is too complicated as written
- Willing to monitor VHF and help out when he can

Thom Cunningham commented on the following:

- Agreed with helmet requirement for ATV users under 18

Tim Lindseth commented on the following:

- Great idea for sidewalk to the grapple
- Safety concern for the approach to the Port coming into Thorne Bay from the highway being too narrow, road should be modified to allow for truck and trailer to turn into Thorne Bay from the highway without blocking the other lane

16. CONTINUATION OF COUNCIL COMMENT:

Gould thanked the public for their comments on the ATV code and may be able to simplify, but would look into it.

Burger stated there should be a stop sign where there is currently a yield sign on the Kasaan Road/Goose Creek intersection. Benner stated there would be a stop sign put in on Lake Ellen Road at the Kasaan/Goose Creek intersection.

Slayton encouraged community members and council members to communicate to kids when they see them doing something wrong, do not want to lose a good thing with ATV use because of a few kids. Educate the kids and let them know if violate the ATV laws their ATV privileges could be suspended or revoked.

17. ADJOURNMENT:

Mayor Gould adjourned the meeting at 7:42 p.m.

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

ADMINISTRATOR'S REPORT 9-6-16 Wayne Benner

Meetings Attended and Updates:

1. I will be attending SE Conference in Petersburg September 19-22.
2. Senator Stedman paid a visit to Thorne Bay and spend about 45 minutes with the Mayor and myself. The focus of the discussion was on local projects and because the Senator is an advocate for harbor work we talked about tide and submerged lands, the harbor master plan and the concept of a centralized float plane facility. He also commented that the aviation portion of the DOT is where all the money will be for the next couple years.
3. Met with Shirley Kelly with the US economic development association about prospective projects for TB and installation of a cell tower rose to the top as a great project that they may consider funding and would fit their criteria for job retention and job growth. Federal grant that has many steps and approval process along the way
4. Had a POWLAT meeting at the Votec building in Klawock wherein we worked on revising the RFP for a facilitator since we receive no proposals

Tasks and Projects:

1. Per Senator Stedman I am sending out information to the ADOT-Aviation requesting a study be conducted to look at the feasibility of constructing a float plane float to accommodate all the carriers that would have a drive down ramp and an on land facility for office space and restrooms. Similar to what the City of Craig has.
2. Working on making changes to the forest service agreement they are asking the city to sign to handle the forest service money for the POWLAT

Old Business:

- A. The Jenkins came into City Hall on August 24th to discuss their construction of a garage on Lot 8 of Scenic View Subdivision. They picked up the paper work for a development plan, filled it out and I inspected the site. The garage is within the setbacks, will be one story so well within the height restriction and with house and garage they are well within the lot coverage requirements, hence the development plan has been approved.

New Business:

- A. It is that time of year for the city council to appoint election judges. Teri can elaborate.
- B. Review of request for reality TV productions within the City of Thorne Bay. I was approached by Out of the Woods and Discovery Communications asking if they could use the City Harbor facilities for photographing and recording certain scenes in connection with the Alaska Bush People. The filming is to take place mid-September and they plan on bring in a couple large support boats that will be moored at the harbor for several days. I understand from conversations at Kasaan with Richard Peterson and Allen Marine, that Kasaan does not want anything to do with the production, Hoonah asked them to leave and Ice Straits threatened to sue them if they showed any of their community.

Ordinances for Introduction:

- A. Ordinance 16-09-06-01, amending Title 10 – Vehicles and Traffic, Chapter 10.04-General Provisions. This amendment actually began back when VPSO Smith and VPSO Clinton recommended some changes. With this summer's influx of larger ATVs and golf carts VPSO Bazinet suggested the code be amended to reflect golf carts and the increase of ATV on the public streets. The need to be registered and have flags on them at all times. The intent is not to discourage their use but make sure the City's liability is covered for allowing certain non-licensed vehicles to integrate with cars and trucks on city owned streets. The need to understand they are using public streets and must abide by all the same laws that licensed vehicles must follow. If the council moves this amendment to the 2nd reading a fee resolution will be prepared and the amendments will be sent to the city attorney for final review.

Ordinance for Public Hearing:

- A. Ordinance 16-09-06-01 amending Title 2 Administration and Personnel is changing the way the city pays overtime to be in compliance with the State and Federal laws that pertain to municipal governments. Cities are only required to pay overtime for hours worked in excess of 40 hours in one work week. Overtime for hours worked in excess of 8 hours in one day is not required.

Expenditures Exceeding \$2000:

- A. The pump used to pump for the tank and fill the tank on one of the City Fire Trucks needs to be replaced. At this time the cost may be more than the truck is worth and if torn down would put the truck out of total commission for a long time. The truck can be used as is to connect to hydrants and transport water so it is still good for the area where hydrants can be accessed. Sitka has a truck for sale for \$25,000 which is far more than we can afford but wanted to have authority to make an offer. Buck suggests we start with an offer of \$5000.
- B. Expenditures for the Sidewalk project are for in-kind, engineering and administration. These TAP grant funds may be over the next couple years and the grant may not even be effective until 2017. Some of this work is covered under the remaining funds of the Sandy Beach Improvement grant.
- C. Expenditures for the Kasaan Road, both projects are RAC projects, will come out of Streets and Roads and are mostly for in-kind services and materials plus are shared with OVK.
- D. Expenditures for the path from the Boat Launch to the Port is also a TAP grant with expenditures for in-kind, engineering and administration and also may be next year.
- E. Expenditures for the path from the Port to the Claw, a RAC project, are for in-kind, engineering and administration. A lot of this project is in-kind labor and materials.

Outside of the Kasaan road work we are still waiting for grant paper work before there is even a project to consider. At that point we will know exactly the scope of the projects and how funds will be allocated. In the meantime, there is some work with permitting and other agency involvement that needs to start now. Although the dollar amounts look big the city will be doing as much as possible in house to keep costs down.

Harbors: Summer season is coming to an end as people start to remove their boats for the winter.

Streets and Roads: Additional speed limit signs will be placed along Shoreline Drive and a couple old stops signs replaced. Continuing to have major issues with the Volvo Excavator and trying to find someone to come evaluate.

Water and Sewer: September is a busy month with all the monitoring that must be done in this quarter.

Solid Waste: A lot of the work is on hold due to no excavator. Fall water samples will be done this month.

Law Enforcement: Working with Buck trying to locate another fire truck.

FIRE/EMS: The fire truck stationed on the north side has major pump problems that are going to be costly if they can even be fixed. It can be used if connected to hydrants by has no pump for non-hydrant use.

Library: Summer programs have wrapped up.

CITY OF THORNE BAY
ORDINANCE 16-09-20-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
AMENDING TITLE 10-VEHICLES AND TRAFFIC, CHAPTER 10.04-GENERAL PROVISIONS,
SECTION 10.04.030-AAC TITLE 13-PROVISIONS-ADOPTION BY REFERENCE

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF THORNE BAY ALASKA;

Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby adopted shall be added to the Thorne Bay Municipal Code.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.

Section 3. Amendment of Section. The title and chapter of Title 10-Vehicles and Traffic, Chapter 10.04-General Provisions, Section 10.04.030-AAC Title 13 Provisions-Adoption by reference is hereby added.

Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED on October 10, 2016

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: September 06, 2016]
[Second Introduction: September 20, 2016]
[Public Hearing: September 20, 2016]
[Sponsor: Bob Hartwell]

Title 10
VEHICLES AND TRAFFIC
Chapters: 10.04 General Provisions

Section: 10.04.030 – AAC Title 13 provisions-adoption by reference. The following provisions from Title 13 of the Alaska Administrative Code are adopted by reference:

A. **AAC TITLE 13**, Chapter 2: Motor Vehicle and Driving Offenses: Rules of the Road;

B. **ACC TITLE 13, CHAPTER 2**: Pursuant to the authority granted in 13 AAC 02.455 (a), (3), **MOTORIZED VEHICLES AS DEFINED IN THE DEFINITIONS MAY BE DRIVEN ON A PUBLIC RIGHT-OF-WAY OR ON DESIGNATED PROPERTY OVER WHICH THE CITY HAS JURISDICTION:**

1. DEFINITIONS.

- a. **ATV-UTV. ALL TERRAIN VEHICLE (ATV-UTV) IS ANY MOTORIZED VEHICLE WITH THREE OR MORE WHEELS OTHER THAN AN AUTOMOBILE, TRUCK, SPORT UTILITY VEHICLE, MOTORCYCLE (ANY TYPE OF MOTORIZED BIKE, DIRT BIKE), MOTOR HOME OR GOLF CART. ALL TERAIN TYPE VEHICLES SHOULD BE EQUIPPED WITH SEATBELTS, A HORN, TURN INDICATORS, BRAKE LIGHTS, HEAD LIGHTS, TAIL LIGHTS, MUFFLER, BRAKES, AND THROTTLE MEETING STANDARDS PRESCRIBED FOR AUTOMOBILES GENERALLY IN CHAPTER 4, TITLE 13, ALASKA ADMINISTRATIVE CODE**

ALL VEHICLES CLASSIFIED NON ATV SHALL BE LICENSED AND COMPLY WITH ALASKA MOTOR VEHICLE LAWS.

EXEMPTION. ATV'S USED FOR MAINTENANCE OF PUBLIC UTILITIES ARE EXEMPT FROM THIS ORDINANCE.

- b. **GOLF CART. GOLF CARTS OR GOLF CART TYPE VEHICLES SHOULD BE EQUIPPED WITH SEATBELTS, A HORN, TURN INDICATORS, BRAKE LIGHTS, HEAD LIGHTS, TAIL LIGHTS, MUFFLER, BRAKES, AND THROTTLE MEETING STANDARDS PRESCRIBED FOR AUTOMOBILES GENERALLY IN CHAPTER 4, TITLE 13, ALASKA ADMINISTRATIVE CODE**

2. OPERATIONS AND RESTRICTIONS:

- a. No person shall operate an ATV OR GOLF CART faster than the posted speed limit;

b. **ATV-UTV's AND GOLF CARTS** may be driven only on the extreme right-hand side of the roadway and in the same direction as the roadway motor vehicle traffic in the nearest lane of the roadway;

c. All **ATV-UTV's AND GOLF CARTS** must be equipped with a fluorescent orange flag measuring at least four inches by ten inches, mounted on a pole attached to the rear portion of the **ATV-UTV AND GOLF CART** at a height of no less than six feet from the ground;

d. **HELMET USE IS HIGHLY RECOMMENDED ESPECIALLY FOR THOSE UNDER 16 RIDING ON ANY VEHICLE NOT EQUIPPED WITH MANUFACTURED INSTALLED SEAT BELTS.**

e. Passengers **ON ATV-UTV'S AND GOLF CARTS** will be limited to one per vehicle unless vehicle was designed by the manufacturer to carry more than one passenger **AND MUST WEAR SEATBELTS (IF MANUFACTURED INSTALLED).**

f. No one is allowed to drive an **ATV OR GOLF CART** without a **VALID LEARNER'S PERMIT**, valid driver's permit, valid driver's license **ON A PUBLIC RIGHT-OF-WAY OR ON DESIGNATED PROPERTY OVER WHICH THE CITY HAS JURISDICTION.**

g. **ATV-UTV's AND GOLF CARTS** will not pass other moving vehicles on the roadway.

h. **ATV-UTV AND GOLF CART** use will not be permitted between the hours of dusk and dawn unless the **ATV-UTV OR GOLF CART** is equipped with operational headlights which provide adequate illumination to at least 15 feet, an operational taillight, **BRAKE** light, **NOISE SUPPRESSION MUFFLER** and turn signal lights, **IF MANUFACTURE INSTALLED.**

i. All wheels of the **ATV-ATU AND GOLF CART** will remain in contact with the road at all times.

j. The driver of the **ATV-UTV AND GOLF CART** will not follow another vehicle closer than **TWENTY-FIVE (25)** feet or **FIVE (5) ATV-UTV OR GOLF CART** lengths whichever is greater.

k. Every person operating an **ATV-UTV AND GOLF CART** must comply with all other motor vehicle laws of the state of Alaska.

I. EVERY ATV-UTV AND GOLF CART SHALL HAVE CURRENT INSURANCE TO INCLUDE LIABILITY INSURANCE FOR PROPERTY DAMAGE.

m. NO ATV-UTV OR GOLF CART SHALL BE OPERATED IN A MANNER WHICH WILL PRODUCE SUFFICIENT NOISE TO DISTURB THE PEACE AND QUIET OF ANOTHER.

n. NO ATV-UTV OR GOLF CART SHALL BE DRIVEN IN A CARELESS, RECKLESS, OR NEGLIGENT MANNER SO AS TO ENDANGER THE PERSON OR PROPERTY OF ANOTHER, OR TO CAUSE INJURY OR DAMAGE TO SUCH PERSON OR PROPERTY.

o. NO ATV-UTV OR GOLF CART SHALL TOW A SLED, TOBOGGAN OR OTHER OBJECT, UNLESS SUCH OBJECT IS ATTACHED TO THE ATV-UTV OR GOLF CART BY A RIGID BAR AND THE TOWED OBJECT IS EQUIPPED WITH A RED REFLECTOR.

C. AAC TITLE 13, Chapter 4: Motor Vehicle and Driving Offenses: Vehicle Equipment and Inspection;

1. All ATV-UTV's AND GOLF CARTS will be inspected by the Chief Law Enforcement officer, Mayor or another person designated by the City of Thorne Bay.

2. All ATV-UTV's AND GOLF CARTS will have an ATV-UTV AND GOLF CART Inspection Certification Sticker affixed to a prominent area of the vehicle and will be renewed every year.

3. No ATV-UTV OR GOLF CART will be allowed on city road without this sticker.

D. AAC TITLE 13, Chapter 6: Inspection of ATV-UTV AND GOLF CARTS

1. All ATV-UTV's AND GOLF CARTS before certification will have to have the following inspected:

a. Brakes

b. Lights

c. Tires

d. Fluorescent flag

E. NOISE SUPPRESSION MUFFLER

E. AAC TITLE 13, Chapter 40: Definitions;

F. AAC TITLE 13, School Bus Operator's Permit: 13 AAC 08.030;

G. AAC TITLE 13, Unlawful use of classified license: 13 AAC 08.140. (Ord. 89-26 § 5, 1989)

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