

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.

The meeting will be preceded by a **Public Hearing** for
Variance Application 16-08-01 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 August 23, 2016, Special City Council Meeting, discussion and action item:
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: Election Judges: Cindy Egelston, Donna Lacour and Linda Rollins. City Clerk may appoint up to two additional Election Judges if necessary to facilitate the orderly conduct of the election.
 - B. Review of request for reality tv production within the City of Thorne Bay, discussion and action item:
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:
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:
13. EXPENDITURES EXCEEDING \$2,000.00:
 - A. Expenditure of \$25,000, for Fire Truck, discussion and action item:
 - B. Expenditure of \$70,000, to DOWL for engineering and administration for sidewalk on Freeman Drive, discussion and action item:
 - C. Expenditure of \$43,500 for Kasaan Road Improvements, discussion and action item:
 - D. Expenditure of \$49,000 for Path from Boat Launch to Port, discussion and action item:
 - E. Expenditure of \$42,700 for Path from the Port to the Claw, discussion and action item:
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.
15. CONTINUATION OF PUBLIC COMMENT:
16. CONTINUATION OF COUNCIL COMMENT:
17. ADJOURNMENT:

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

**MINUTES
SPECIAL MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY
ALASKA,
COUNCIL CHAMBERS, CITY HALL
TUESDAY
August 23, 2016
6:30 p.m.**

The meeting was preceded by a workshop at 6:00 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, McDonald, Burger, Edenfield and Hartwell were present.

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:

Mayor Gould reported on the following:

- Attended POWLAT meeting, discussed bylaw changes, however, there was question regarding if there was actually a quorum among those present to act upon agenda items, therefore no actions were taken
- Wayne Benner revised the RFP for a facilitator for POWLAT and extended the deadline for response. Prior RFP for facilitator received no interest.

6. CITY ADMINISTRATOR'S REPORT:

City Administrator Wayne Benner read his report. (attached to the minutes for August 23, 2016, meeting)

7. PUBLIC COMMENTS:

Mark Lisowski (VISTA Volunteer) commented on the following:

- Library concluding Summer Reading Program, there would be a get together on Saturday at the library to honor the Reading Program Participants

8. COUNCIL COMMENTS:

Vice Mayor Harvey McDonald commented on the following:

- Will be out of town on August 27th returning September 7th, then leaving again for the month of October.

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9. CONSENT AGENDA:

MINUTES:

1. Minutes for the July 19, 2016, Regular City Council Meeting, discussion and action item:

Gould moved to approve the consent agenda consisting of the minutes for the July 19, 2016, regular city council meeting. Edenfield seconded the motion. There was no further discussion.

MOTION: Move to approve the consent agenda consisting of the minutes for the July 19, 2016, regular city council meeting

F/S: Gould/Edenfield

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

NAYS: None

STATUS: Motion Passed.

10. NEW BUSINESS:

- A. Charles Jennings discussion of construction occurring on lot adjacent to Mr. Jennings property, construction is on Lot 8, 2016, Scenic View Subdivision, discussion and possible action item:

Mayor Gould invited Charles or Laura Jennings to speak at the podium regarding their request to be heard on the agenda for their concerns of development on Lot 8, Scenic View Court. Charles Jennings stated he believed the council had a copy of the letter that Laura Jennings submitted earlier regarding this topic. Mr. Jennings commented regarding his opposition to the construction occurring on the adjacent lot (Lot 8, Scenic View Court) from his home located at Lot 7, Scenic View Court.

Mr. Jennings stated that when he purchased his lot on Scenic View Court he was told that the City had sold that lot (Lot 7) as a view lot. Mr. Jennings stated he was told this by Jeff Simbahon; and that Ernie Eads had also told his son he was on the Council and involved in the sale of the Scenic View lots and that Lot 7 (Mr. Jennings lot) and Lot 8 (Jenkins lot) were both sold as view lots. Mr. Jennings made comments regarding his displeasure with the City due to no action being taken when he originally came to the Council regarding the same adjacent lot owner building his home in a location that blocked the view that he once had from his living room window. Mr. Jennings stated the council's response at that time was "what are we supposed to do, have him tear it down?" Mr. Jennings stated he believed the Council had cost him \$50,000 to \$100,000, due to the loss of his view. Mr. Jennings stated that the owner of lot 8 was getting ready to build a garage that will take the little view that he has left. Mr. Jennings stated the council needed to enforce their ordinances in place, or he would spend everything that he had. Mr. Jennings stated if he could sell his home he did not believe he could build in Thorne Bay again due to his disappointment with the council for things they had done for his family in the past and disappointed with other individuals in the community.

Mr. Jennings stated the owner of lot 8, Scenic View had already put in forms and electrical for the garage, and he did not want to hear the council say “what are we supposed to do, have him tear it down?” when he doesn’t follow the ordinances. Gould stated the City had responded to Mr. Jennings concern regarding the building on lot 8, by sending the property owner a letter informing him of the requirement for development plans. Gould stated he had expected the property owner had discontinued building upon receipt of the letter. Gould commented that he was sorry that Mr. Jennings felt the way he did, and appreciated him coming to the Council. Gould stated that all of the zones within the City had the same requirement for building heights. Mr. Jennings inquired if the Mayor felt it was right to sell a lot as a view lot, then not establish some sort of protection for that view? Gould stated that he was not sure that was correct, and that he cannot find record of the City selling lots like that, so was unsure that was the case. Mr. Jennings replied that he was not sure either, he was going off Jeff Simbahon’s word and what Ernie had told Shawn. Mr. Jennings further commented that he once had a beautiful view and no longer has that. Mr. Jennings commented to the Mayor that if he were to come and take his view he would be upset. Mayor Gould replied that was soon going to happen to him. Mr. Jennings replied that the Mayor didn’t have a view of the water, view of McFarland’s and Davidson Landing; and that now he didn’t either. Risa Carlson inquired what the procedure was to stop the construction occurring on lot 8. Laura Jennings stated the city code states the procedure would be to issue a stop work order. Gould replied the letter was the first step and the next would be a visit with law enforcement to tell them to stop. Ray Slayton inquired what ordinances had been broken with the new construction happening on lot 8. Slayton stated he knew the requirement for a development plan had been broken, but what about the 50% maximum lot coverage, and the height restriction in that zone? Wayne Benner, City Administrator, replied that the City would not know until development plans are submitted. Only then would the City be able to see if the new building met the zoning and development requirements. Bob Hartwell stated the City needed to issue the stop work order. Gould agreed and directed Wayne Benner to move forward with the order. Wayne Benner replied “it was so noted.”

- B. Resolution 16-08-23-01, continuing to retain the consulting services of DOWL for assisting the City on any and all projects with planning, permitting, engineering, surveying, project administration, and grant administration on an as needed basis, discussion and action item:

Gould moved to approve Resolution 16-08-23-01. McDonald seconded the motion. Wayne Benner stated the Council had already approved DOWL for consulting services on all future projects, but DOWL needed a resolution that supported retention of their services to save time on RFP notice requirements of the State. Benner stated the City had been awarded grant funding of \$800,000.00, from Village Safe Water, for improvements to the City’s water and waste water systems. Benner continued that with this resolution DOWL would be able to begin working on the water and waste water improvement project sooner. There was no further discussion.

MOTION: Move to approve Resolution 16-08-23-01

F/S: Gould/McDonald

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

NAYS: None

STATUS: Motion Passed.

- C. Resolution 16-08-23-02, adopting Amendment #3 for the PERS Participation Agreement between the City of Thorne Bay and PERS, discussion and action item:

Gould moved to approve Resolution 16-08-23-02, adopting Amendment #3 of the PERS Participation Agreement. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve Resolution 16-08-23-02, adopting Amendment #3 of the PERS Participation Agreement

F/S: Gould/Hartwell

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

NAYS: None

STATUS: Motion Passed.

11. **ORDINANCE FOR INTRODUCTION:**

- A. Ordinance 16-09-06-01, an ordinance amending Title 2-Administration and Personnel, Section 2.24.090-Compensation, discussion and action item: (changing the way overtime is paid – no longer pay overtime for work over 8 hours per day to only paying overtime on hours worked in excess of 40 in one week)

Gould moved to approve Ordinance 16-09-06-01. McDonald seconded the motion. Gould stated the City of Thorne Bay was grandfathered out of the State Overtime and Minimum Wage requirement because the law was established after the State and Local Governments had been established. Gould stated that since the City was not required to follow the State overtime law, they are required to follow Federal Laws for overtime compensation. This ordinance change will reflect the correct way to calculate overtime for the employees and allow for more flexibility in the employee's schedules. There was no further discussion.

MOTION: Move to approve Ordinance 16-09-06-01

F/S: Gould/McDonald

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

NAYS: None

STATUS: Motion Passed.

12. **EXPENDITURES EXCEEDING \$2,000.00:**

- A. Expenditure of approximately \$2,680.00 plus shipping, to Cascade Columbia Distribution, purchase of chemicals for the Water and Waste Water department, discussion and action item:

Gould moved to approve the expenditure of \$2,680.00, plus shipping, to Cascade Columbia, for the purchase of water/waste water chemicals. Carlson seconded the motion. There was no further discussion.

MOTION: Move to approve the expenditure of \$2,680.00, plus shipping, to Cascade Columbia, for the purchase of water/waste water chemicals

F/S: Gould/Carlson

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

NAYS: None

STATUS: Motion Passed.

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.

A. Adjourn to executive session to discuss pending or threatened lawsuits:

Gould moved to adjourn to executive session to discuss pending or threatened lawsuits in which the city has an interest, which are matters of the immediate knowledge of which would clearly have an adverse effect upon the finances of the City. McDonald seconded the motion.

MOTION: Move to adjourn to executive session to discuss pending or threatened lawsuits in which the city has an interest, which are matters of the immediate knowledge of which would clearly have an adverse effect upon the finances of the City

F/S: Gould/McDonald

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

NAYS: None

STATUS: Motion Passed.

Meeting was adjourned to executive session at 7:03 p.m.

Meeting reconvened at 7:18 p.m.

14. **CONTINUATION OF PUBLIC COMMENT:**

There were no further public comments.

15. **CONTINUATION OF COUNCIL COMMENT:**

There were no further council comments.

16. **ADJOURNMENT:**

Gould adjourned the meeting at 7:19 p.m.

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

ADMINISTRATOR'S REPORT 8-23-16 Wayne Benner

Meetings Attended and Updates:

The City of Thorne Bay has been awarded by VSW \$200,000 for work on the water treatment plant for the reduction of disinfection byproducts and \$600,000 for work on the sewage treatment plant for disinfecting the effluent prior to discharge into the bay. Paper work for these two grants should be forthcoming in 1-2 months. The ability to receive grant money for looking into ground water sources is still alive but may not make this year's round of legislative funding so VSW has suggested the City submit a grant request to them.

1. The City is also in receipt of two Transportation Alternative Grants. One for a trail from the boat launch area to the Port which ties into the RAC Grant for the trail from the Port to the Grapple and the other a sidewalk from Sandy Beach Road along Freeman Drive to City Hall. The paperwork for these two grants should be ready by end of 2016. The trail from the boat ramp to the port was part of the harbor master plan and the sidewalk has been part of the cities strategic and development plans since 2007.
2. For those that missed out the Thorne Bay Days it was a huge success. The only drawback, the weather was too nice and people wanted to be on or in the water Saturday afternoon and not playing games at the ball field. The EMS-Fire fund raising Pig-Nic was a sell out with fantastic food from the Thorne Bay Café and deserts from the Ladies of the Church of Thorne Bay. A full thank you to all that helped is soon to be released.

Tasks and Projects:

1. The question has been raised whether businesses renting harbor stalls to conduct their business off the harbor docks should be required to have a rental agreement and insurance the same as the city requires for business renting or leasing property.
2. I handed out a spreadsheet on grants the City has received since the end of 2010. If you notice the City has received grants this year that total almost \$575,000 but will require just over \$200,000 in match which consulting fees, in-kind services and materials. In the last 5 and half years, Including the FS portion of Sandy Beach Road, the city has seen nearly 5 million for infrastructure work.
3. Buck and I are working on the first draft of an update to the Municipal code addressing ATV and golf cart use on city streets. Shane and I are also looking at the use of ATV on the harbor docks. Our goal is to support their use but address the increases in numbers and the larger sizes some of which are bigger than small cars.

New Business:

Charles Jennings discussion of construction. With the threat of a law suit by Mr. Jennings the city has spent considerable hours researching the building height issue including brief discussions with the city attorney. The owners were notified in writing that they needed to fill out a development Plan but have yet to comply. This seems to be common practice as others around town, including builders don't feel they need to comply. The house was built prior to the requirement for residential development but the garage was started after the code was in place. The same with a couple other projects, but the code does say "No structure shall be erected, constructed, enlarged, relocated or extended without a development plan permit issued by the city".

- A. Resolution 16-08-23-01 continuing to retain the consulting services of DOWL is to satisfy VSW's requirements for an engineering firm to prepare plans and specifications for improvements for water treatment and sewage chlorination. VSW needs this as part of their justification to not have to go through the lengthy process of selecting a consultant for projects that have already been preliminarily design by a consultant.
- B. Resolution 16-09-23-02 adopting Amendment #3 for the PERS Participation Agreement. Teri can elaborate on this resolution.

Ordinances for Introduction:

- 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:

The \$2680 is for chemicals for water and waste water operations.

Once we have the grant contracts in hand there will probably need to be approval to spend matching funds that may exceed \$2000

Harbors: Tour boat season is coming to a close with only 3 tours left, the last the morning of Sept 13. The guest visitors to Thorne Bay via boats has been good so far this year. Mostly on the weekends which leads to the discussions we are having on how to better staff the harbor 7 days a week in the summer. Also being discussed is the wear on the dock surfaces where there is heavy ATV use and the term parking that seems to be a magnet for the biggest trucks.

Streets and Roads: Seems no matter what we try to do to grade or improve roads on the south side there is always someone that will bitch. This person has left several phone messages threatening to blow up city hall and all the people that work for the City. The threats are in the hands of law enforcement.

Water and Sewer: The last test results for lead and copper all came back showing the City complies with the EPA requirements for Lead and Copper residue in the drinking water. Our disinfection by products are showing some decrease that we believe is the result of hydrant flushing but we are also in the heavy use time so that may have some bearing on test results.

Solid Waste: Had the annual inspection at the Solid Waste Site but no report back as of yet. Met with representatives of WM, who also toured the Solid Waste Site, in reference to a proposal they are preparing for SEASWA to deal with scrap metal, hazardous waste and other recyclable materials.

Law Enforcement: We are currently dealing with some theft of City property that has occurred at Davidson Landing.

FIRE/EMS: the leak in the air brakes on the south side fire truck has been resolved and a part ordered.

Library: The stairs to the main entrance have been reconstructed. Also planned is to try and resolve the ongoing plugged toilet issue after the summer rush when we can close the doors.

CITY OF THORNE BAY
ORDINANCE 16-09-06-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA, AMENDING TITLE 2-ADMINISTRATION AND PERSONNEL, CHAPTER
2.24-OFFICERS AND EMPLOYEES, SECTION 2.24.090-COMPENSATION

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended 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 Chapter. Amending Chapter 2.24-Officers and Employees, Section 2.24.090-Compensation, is hereby added
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED September 6, 2016

James Gould, Mayor

ATTEST:

Teri Feibel, City Clerk

[Introduction: August 16, 2016]
[Public Hearing: September 6, 2016]

Additions are in bold

Deleted items are stricken

Chapter 2.24
OFFICERS AND EMPLOYEES

2.24.090 Compensation.

C. Overtime.

~~1. Employees who work over forty hours per week or eight hours per day shall be compensated at the rate of one and one-half their hourly rate.~~

1. Employees who work over forty hours per week shall be compensated at the rate of one and one-half their hourly rate unless otherwise exempt under the Federal Labor Standards Act.

Comments to City Council:
From: Teri Feibel, City Clerk

Alaska Minimum Wage and Overtime Exemptions - the following are not required to receive minimum wage or overtime under the Alaska Wage and Hour Act:

7. Any individual employed by the United States, State or local government (i.e. Political Subdivision)

Although individuals employed by the United States, State or Local Governments, are exempt from Alaska State Minimum Wage and Overtime Laws, they are NOT exempt from Federal Labor Standards Act.

The federal **overtime** provisions are contained in the **Fair Labor Standards Act (FLSA)**. Unless exempt, employees covered by the Act must receive **overtime** pay for hours worked over 40 in a workweek at a rate not less than time and one-half their regular rates of pay.

Exemptions from the Overtime Requirement in the FLSA that apply to the City of Thorne Bay at this time:

Exemptions from Both Minimum Wage and Overtime Pay

1. Executive, administrative, and professional employees (including teachers and academic administrative personnel in elementary and secondary schools), outside sales employees, and employees in certain computer-related occupations (as defined in DOL regulations);

This exemption only applies to two employees of the City at this time.

All other employees will be compensated at 1.5 times their hourly rate for any time worked over 40 hours in one week.

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 September 20, 2016

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: September 06, 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

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 two, three, four, six, eight wheeled, and tracked all-terrain vehicles (hereinafter called "ATV") MAY BE DRIVEN ON A PUBLIC RIGHT-OF-WAY OR ON DESIGNATED roadway or shoulder of a highway on any road or PROPERTY OVER WHICH THE CITY HAS JURISDICTION. subject to the following restrictions:**

1. DEFINITIONS.

a. **ATV. ALL TERRAIN VEHICLE (ATV) 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 VEHICLES CLASSIFIED NON ATV SHALL BE LICENSED AND COMPLY WITH ALSKA 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 WILL 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'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'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 at a height of no less than six feet from the ground;

d. No person under the age of 18 shall drive or be a passenger on an ATV without wearing an approved helmet.

e. Passengers **ON ATV'S AND GOLF CARTS** will be limited to one per vehicle unless vehicle was designed by the manufacturer to carry more than one passenger.

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 ~~or city youth permit.~~
ON A PUBLIC RIGHT-OF-WAY OR ON DESIGNATED PROPERTY OVER WHICH THE CITY HAS JURISDICTION.

1. The city youth permit (CYP) is **REQUIRED** for youth's age **12-17 WHO HAVE ONLY A VALID LEARNER'S PERMIT OR VALID DRIVER'S PERMIT.**

2. Applications for a City Youth Permit **AND WRITTEN TEST** must be sponsored by a Parent or guardian by completing and signing the Parent/Guardian Consent for Minor Form.

3. The cost for **CYP written TEST**, road and vehicle **ATV/GOLF CART** inspection and certification are **SHALL BE SET FORTH IN THE MOST CURRENT RENTAL FEE SCHEDULE ADOPTED AND APPROVED BY THE RESOLUTION OF THE CITY COUNCIL AND INCORPORATED HEREIN BY REFERENCE:**

~~1. Written \$25.00~~

~~2a. Road and Vehicle Inspection Certification \$25.00~~

~~2b. Yearly Renewal \$10.00~~

~~3. Reinstatement of Permit after revocation \$50.00~~

~~4. Fine amount for any violation of this ordinance \$50.00~~

4. City Youth Permit will also be revoked for any violation of any part **PART** of this ordinance and will be eligible for recertification one (1) year from date of revocation.

5. City Youth Permit will also be revoked if minor is convicted for the following crimes:

a. Operating a Vehicle, Aircraft or Watercraft while intoxicated.

b. Possession of Alcohol by minor

c. Negligent, or reckless Driving

d. Using an ATV in the Harbor without Council or

Commission permission

6. A City Youth Permit will not be issued to anyone who has had their **LEARNER'S PERMIT, DRIVER'S** permit, or **DRIVER'S** license suspended, revoked or cancelled by the State of Alaska.

g. ATV's will not pass other moving vehicles on the roadway.

h. ATV use will not be permitted between the hours of dusk and dawn unless the ATV is equipped with operational headlights which provide adequate illumination to at least 15 feet, an operational taillight, ~~break~~ **BRAKE** light, **NOISE SUPPRESSION MUFFLER** and turn signal lights.

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

j. The driver of the **ATV AND GOLF CART** will not follow another vehicle closer than ~~fifteen~~ **TWENTY FIVE (-25)** feet or ~~three~~ **FIVE(35)** **ATV / GOLF CART** lengths which-ever is greater.

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

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

m. NO ATV 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 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 OR GOLF CART SHALL TOW A SLED, TOBOGGAN OR OTHER OBJECT, UNLESS SUCH OBJECT IS ATTACHED TO THE ATV 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'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's AND GOLF CARTS** will have an **ATV / GOLF CART** Inspection Certification Sticker affixed to a **P prominent** area of the vehicle and will be renewed every year.

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

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

CONTINUED ON NEXT PAGE: - ORDINANCE 16-09-20-01 (PAGE 5)

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

1. All ATV'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)