

# NEW BUSINESS

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2023-06

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 11.24 ABANDONED VEHICLES:**

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**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 11.24 ABANDONED VEHICLES TO INCLUDE REGULATING VEHICLE, MOTORCYCLE, ATV, SNOWMACHINE, HEAVY EQUIPMENT, AIRPLANE, BOAT OR OTHER SUCH DEBRIS FROM STOPPING, PARKING, ABANDONING AND STANDING ON IMPROVED AND UNIMPROVED ROADWAYS AND CITY OF DILLINGHAM PROPERTY:**

**WHEREAS,** The City of Dillingham experiences heavy snowfall events from October through April and conducts road maintenance and construction from May through September; and

**WHEREAS,** Parked and abandoned vehicles within 8 feet of a road way and City of Dillingham Property hinder snow removal, road maintenance and construction and create traffic and safety hazards; and

**WHEREAS,** It is crucial to ensure road safety, facilitate effective snow removal, maintenance and construction and maintain traffic flow within the city limits;

**NOW, THEREFORE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:**

**Section 1. Classification.**  
**This is a code ordinance.**

**Section 2. Amendment to Chapter 11.24.**

Dillingham Municipal Code Chapter 11.24 is hereby amended to include as a new section 11.24.011 vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat or other such debris stopping, standing, abandoning or parking on improved and unimproved roads and in other locations.

**Section 11.24.011.1 Stopping, Standing, Abandoning or Parking on Improved and Unimproved Roads and Other Locations:**

**A. Stopping, Standing, Abandoning or Parking on Improved and Unimproved Roads and in Other Locations:**

**(1)** No person may stop, park, abandon or leave standing a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat or other such debris as to cause a hazard, whether attended or unattended, upon or within eight feet of a roadway, except where the roadway is of sufficient width and design to allow parking without interfering with the normal flow of traffic or with snow removal or other road maintenance, and where the parking, stopping, or standing is not prohibited by an official traffic-control device, unless directed to do so by a flag person or police officer. If an emergency

requires a vehicle to be parked or stopped on a roadway, that vehicle must have activated four-way emergency flashers, three operating highway flares, or three reflective triangles in place.

**(2)** This section and section B of this chapter do not apply to the driver of a vehicle performing an official duty which requires stopping, standing or parking upon or within eight feet of a roadway or to the driver of a vehicle which is disabled in a manner and to an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon or within eight feet of a roadway.

**(3)** A vehicle that is stopped, parked, or standing in violation of a statute, regulation, or ordinance is considered to have been stopped, parked, or left standing by the registered owner of the vehicle unless the registered owner is able to prove that at the time of the violation the vehicle was driven or parked without his consent.

**(4)** Except when necessary to avoid conflict with other traffic, or to comply with statutes, regulations or ordinances, the directions of a police officer, fireman, authorized flagman, or official traffic-control device, no person may:

- (a)** stop, stand, or park a vehicle
- (b)** on the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- (c)** on a sidewalk;
- (d)** within an intersection;
- (e)** within a crosswalk;
- (f)** between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (g)** alongside or opposite a street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (h)** at a place where official traffic-control devices prohibit stopping, standing, or parking; or
- (i)** in a designated zone for persons with disabilities unless the vehicle is displaying current license plates or permit in accordance with AS 28.10.181(d) or 28.10.495(a) and the following conditions are immediately present:
  - (i)** a person with a disability of 70 percent or more is on board the vehicle; and
  - (ii)** that person with a disability exits the vehicle upon stopping or parking in the designated handicapped zone;
- (j)** stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
  - (i)** in front of a public or private driveway;
  - (ii)** on private property without the consent of the owner or person in control of the property;
  - (iii)** within 15 feet of a fire hydrant;
  - (iv)** within 20 feet of a crosswalk at an intersection;
  - (v)** within 30 feet on the approach side of a flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
  - (vi)** within 20 feet of the driveway entrance to a fire station or within the area directly across the street from the entrance to a fire station, if the distance from the driveway entrance of the station to the opposite side of the street or roadway or opposite curb is less than 75 feet; or
  - (vii)** at a place where an official traffic-control device prohibits standing.

## **B. COD Police Officers and Public Works Road Maintenance Employees Authorized to Remove Vehicles:**

(1) If a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris is in violation of the provisions of section A of this chapter or is left on a roadway or under circumstances which obstruct the normal movement of traffic, snow removal, or road maintenance, a police officer or Public Works Road Maintenance employee may move the vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris, or require the driver or other person in charge of the vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris to move the vehicle to a position off the roadway or to a safe place on the roadway.

(2) A police officer may impound and remove to a place of safety a vehicle which:

(a) is found in the state and which has been previously reported stolen or taken without the owner's consent;

(b) is found or operated on an improved and unimproved roadway without license plates or other evidence of registration or which evidence is false with respect to that vehicle;

(c) is found or presumed to be abandoned as provided in AS 28.11.020, except that a vehicle is not considered abandoned if left standing or parked in excess of the time specified in AS 28.11.020 when the owner or driver of the vehicle has given notice to the Dillingham police department, specifying the circumstances which require standing or parking in excess of the time specified in AS 28.11.020, and the provisions the owner or driver is making to remove the vehicle; or

(d) is used in connection with the commission of a crime and is impounded pursuant to a police investigation.

(3) When a police officer arrests and detains the driver of a motor vehicle, the officer shall impound and remove the vehicle to a place of safety; however, the officer shall inform the driver that he may elect to have another immediately available person, who is legally licensed to drive a motor vehicle, drive or otherwise remove the vehicle as the driver directs. The driver may designate the nearest available garage or tow truck operator of his/her choosing to remove the vehicle. If the driver does not so indicate, the officer shall make the arrangements necessary to remove the vehicle.

(4) When a vehicle is impounded and removed from a roadway or elsewhere at the discretion of a police officer, the vehicle shall be removed to a place of safety. The owner or driver may claim the vehicle by securing a written release for it from the police officer or agency ordering its removal. A vehicle legally removed or impounded may not be released to the owner, nor may the owner secure its use until the release for it is certified by the officer or agency directing its removal. The expense for the removal and storage must be paid by the owner or driver of the vehicle.

### **Section 11.24.011.2 Fines, Penalties, Vehicle Impoundment, and Forfeiture:**

(1) **Violations and Penalties:** Violations of the regulations outlined in Section 11.24.011 may result in fines and penalties based on the severity and frequency of the offense, with the possibility of vehicle impoundment and forfeiture for repeat offenders.

(a) **Minor Violations:** Minor violations include instances where a vehicle is stopped, parked, or left standing within eight feet of a roadway without causing significant obstruction or hazard or abandoned on City of Dillingham property. These violations may include failure to activate emergency signals or improper parking without hindering traffic flow or abandoning a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris on City of Dillingham property.

**Penalty:** A fine of **\$150**, with the possibility of increased fines for repeated violations. For repeat offenders, the vehicle may be subject to impoundment if violations persist.

**(b) Moderate Violations:** Moderate violations encompass cases where a vehicle obstructs traffic flow, snow removal, or road maintenance to a considerable extent. This includes violations such as stopping or parking within prohibited areas, in front of driveways, or within marked safety zones abandoning a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris on City of Dillingham property that pose a health, ecological or environmental hazard.

**Penalty:** A fine of **\$250**, with progressive increases for repeated offenses within a defined period. For repeat offenders, the vehicle may be impounded, and the owner faces the possibility of vehicle forfeiture if fees and fines remain unpaid after 180 days.

**(c) Major Violations:** Major violations involve severe obstructions that significantly compromise road safety, snow removal efforts, or traffic flow. These violations may include abandoning a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris on roadways that poses a hazard to others or on City of Dillingham property that pose a significant safety and health, ecological or environmental hazard.

**Penalty:** A fine of **\$500**, along with the possibility of immediate vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris impoundment for repeat offenders. If fees and fines are not paid within 180 days, the vehicle may be subject to forfeiture.

## **(2) Impoundment and Vehicle Forfeiture:**

**(a)** In cases where a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris is impounded due to violations outlined in Section 11.24.011, the owner or driver is responsible for the cost of removal and storage. Repeat offenders may have their vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris impounded immediately upon subsequent violations. If fees and fines, including towing, impoundment, and storage expenses, remain unpaid after 180 days, the vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris may be subject to forfeiture to offset outstanding debts.

**(b) Fee Schedule:**

Tow or Removal Fee: \$100 - \$800

Impound Release Fee: \$200

Storage Fee: \$20 per day

**(c)** The City of Dillingham reserves the right to adjust fines, penalties, fees and impoundment periods based on factors such as the severity of the violation, the frequency of offenses, and other relevant circumstances. All fines collected will be allocated to support city operations and initiatives, including road maintenance, public safety, and community development.

**Section 3. Effective Date.**

This ordinance is effective upon adoption.

**Section 4. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 5. Enactment and Approval.**

**PASSED** and **ADOPTED** by a duly constituted quorum of the Dillingham City Council on this day the     of     , 2023.

**ATTEST:**

**Alice Ruby, Mayor**

**[SEAL]**

**Daniel E. Decker Sr. ,  
City Clerk**

## DEFINITIONS:

For the purpose of this ordinance, the following terms shall have the meanings ascribed to them below:

1. Vehicle: Any device capable of being moved upon a roadway and in, upon, or by which any persons or property may be transported or drawn, including but not limited to automobiles, trucks, vans, buses, and trailers.
2. Motorcycle: A motor vehicle with two wheels designed to travel with a rider astride the saddle and handlebars and equipped with a motor with a piston displacement capacity of more than 50 cubic centimeters.
3. ATV (All-Terrain Vehicle): A motorized off-highway vehicle designed to travel on four low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control to include side by side machines.
4. Snowmachine: A motorized vehicle designed to travel on snow or ice and commonly known as a snowmobile.
5. Heavy Equipment: Large machinery and vehicles used in construction, mining, agriculture, and other industries, including but not limited to bulldozers, excavators, cranes, and graders.
6. Airplane: A powered flying vehicle with fixed wings and a weight greater than that of the air it displaces, relying on the dynamic action of air against its wings to generate lift.
7. Boat: A watercraft of any size designed to float on and move across the water's surface.
8. Other Such Debris: Refers to any items or materials left unattended in or near roadways that may pose a hazard to traffic, pedestrians, snow removal, or road maintenance efforts, including but not limited to abandoned vehicles, discarded machinery parts, fallen trees, or other similar objects.

These definitions shall apply throughout this ordinance and shall help to clarify the scope and intent of the regulations contained herein.