

**PETERSBURG BOROUGH
ORDINANCE #2023-09**

**AN ORDINANCE REPEALING CHAPTERS 11.48, 11.52, 11.56 AND 11.60 OF THE
FORMER CITY OF PETERSBURG CODE AND PMC CHAPTER 11.96, AND AMENDING
PMC SECTIONS 11.12.040, 14.20.360 AND 14.20.380**

WHEREAS, on January 3, 2013 the Election Division for the State of Alaska certified the election results of the December 18, 2012 incorporation election for the Petersburg Borough, and

WHEREAS, the certified election confirmed the incorporation of the Petersburg Borough and dissolved the City of Petersburg, and

WHEREAS, Petersburg Borough Charter, Section 19.06 requires all ordinances, resolutions, regulations, orders and rules in effect for the former City of Petersburg to continue in full force and effect within the Petersburg Borough, Service Area 1, until expressly reaffirmed, revised or repealed by the assembly, and

WHEREAS, Chapters 11.48-11.60 of the ordinances of the former City of Petersburg address vehicle parking matters, including methods of parking (Chapter 11.48), stopping for loading or unloading (Chapter 11.52), miscellaneous stopping, standing and parking restrictions (Chapter 11.56) and parking lot regulations (Chapter 11.60), and

WHEREAS, most of these parking matters are already covered under Sections 11.08.010 and .020 of the Petersburg Municipal Code (PMC), which incorporate state law and regulations on parking matters, and thus additional, separate borough ordinances are not required;

WHEREAS, the various provisions which would address the borough's authority over matters not addressed in state law have already been moved over and incorporated into PMC Chapter 11.12, with the exception of section 11.56.050, which would be adopted as a new paragraph D under PMC 11.12.040, and

WHEREAS, PMC Chapter 11.96, at .070B, contains language calling for escalation of parking fines depending upon when the fine is paid, which is not imposed in the Borough, and, at .070C, language that contains an outdated fine for improper usage of handicapped parking spaces, and

WHEREAS, the harbormaster has requested additional language be included in PMC Chapter 14.20, *Municipal Harbors*, regarding parking enforcement at municipal harbors, as harbor staff generally enforces parking infractions at harbor facilities.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, Chapters 11.48, 11.52, 11.56 and 11.60 of the former City of Petersburg Code are hereby repealed in their entirety, a new paragraph D to PMC 11.12.040 is adopted, PMC 11.96 is repealed in its entirety, and PMC 14.20.360 and .380 are amended as set below.

Section 1. Classification: This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

Section 2. Purpose: The purpose of this ordinance is to update the language of the municipal code.

Section 3. Substantive Provisions:

A. Chapter 11.48, Method of Parking, of the former City of Petersburg Code is hereby repealed in its entirety:

~~Chapter 11.48 – METHOD OF PARKING~~

~~**11.48.010 – Curb parking.**~~

~~Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb. Where a street or roadway has been specifically designated and reserved for one-way traffic, vehicles may be parked with the left-hand wheels adjacent to and within eighteen inches of the left-hand curb of the roadway unless prohibited by appropriate signs or marking.~~

~~**11.48.020 – Unattended motor vehicle.**~~

~~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 thereon, and when standing upon any grade, turning the front wheels to the curb or side of the highway; provided, that this section shall not prohibit delivery vehicles legally parked in a freight curb loading zone from leaving their motor vehicles running while expeditiously making their deliveries; and provided further, that this section shall not prohibit other persons leaving their vehicles running while unattended for the purpose of warming or keeping said vehicles warmed up in cold weather; and provided further, that a person, while operating or in control of a motor vehicle, may not park or willfully allow the motor vehicle to stand with its motor running if a minor child under the age of twelve years is unattended in the vehicle.~~

~~**11.48.030 – Angle parking signs or markings.**~~

~~The traffic authority of the city shall determine upon what streets and parts of streets angle parking shall be permitted, and shall have such streets marked or signed therefore.~~

~~**11.48.040 – Obedience to angle parking signs or markings.**~~

~~On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.~~

~~11.48.050 – Parking in marked spaces.~~

~~In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off, and not on or over a line delimiting a space.~~

~~11.48.060 – Permits for loading or unloading at an angle to the curb.~~

~~A. The traffic authority is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. The permits may be issued either to the owner or lessee of real property or to the owner of the vehicle, and shall grant to such person the privilege as therein stated and authorized in this section. The traffic authority may revoke the permits at any time.~~

~~B. It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.~~

B. Chapter 11.52, Stopping for Loading or Unloading, of the former City of Petersburg Code is hereby repealed in its entirety:

Chapter 11.52 - STOPPING FOR LOADING OR UNLOADING

~~11.52.010 – Curb loading zone designation.~~

~~A. The traffic authority of the city is authorized to determine the location of passenger and freight curb loading zones, and shall have placed and maintained appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. By the same authority, such loading zones may be discontinued.~~

~~B. When such a loading zone is established on request of any person, the traffic authority shall not have signs placed until the applicant has paid to the city an amount of money estimated by the traffic authority to be adequate to reimburse the city for all costs of establishing and signing the same.~~

~~11.52.020 – Passenger curb loading zone.~~

~~No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.~~

~~11.52.030 – Freight curb loading zone.~~

~~A. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.~~

~~B. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.~~

~~11.52.040 – Public carrier stops and stands.~~

~~The traffic authority of the city is authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public; and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs, or curb markings.~~

~~11.52.050 – Bus stopping, standing or parking.~~

~~A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated to be exclusive taxi and bus parking, standing and loading areas and shall be designated as such by the proper posted signs therein.~~

~~B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided in this chapter, except in case of an emergency.~~

~~C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.~~

~~11.52.060 – Taxicab stopping, standing or parking.~~

~~A. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided in this chapter, except if the taxicab is on charter or except that the owners of the taxicab may use said vehicle for personal business while and if the vehicle is otherwise legally parked. All street areas adjacent to any curbing painted white are designated to be exclusive taxi and bus parking, standing and loading areas and shall be designated as such by the properly posted signs therein.~~

~~B. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.~~

~~**11.52.070 - Restricted use of bus and taxicab stands.**~~

~~No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.~~

C. Chapter 11.56, Miscellaneous Stopping, Standing and Parking Restrictions, of the former City of Petersburg Code is hereby repealed in its entirety:

~~Chapter 11.56 - MISCELLANEOUS STOPPING, STANDING AND PARKING
RESTRICTIONS~~

~~**11.56.010 - Places where prohibited.**~~

~~A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law, regulation or ordinance, or the directions of a police officer or traffic-control device, in any of the following places:~~

- ~~— 1. On a sidewalk;~~
- ~~— 2. In front of a public or private driveway;~~
- ~~— 3. Within an intersection;~~
- ~~— 4. Within fifteen feet of a fire hydrant when that hydrant is directly adjacent to the curb; where a fire hydrant is recessed back from the curb, within fifteen feet of that point on the curb which would be crossed by a perpendicular line from the recessed hydrant to the nearest public street;~~
- ~~— 5. On a crosswalk;~~
- ~~— 6. Within fifteen feet of a crosswalk or intersection unless changed by curb markings;~~
- ~~— 7. Within thirty feet upon the approach of any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;~~

~~— 8. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the local traffic authority indicates a different length by signs or markings;~~

~~— 9. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted;~~

~~— 10. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;~~

~~— 11. On the roadway side of any vehicle stopped or parked at the edge or curb of a street, provided that this section shall not prohibit a taxicab from making brief stops;~~

~~— 12. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;~~

~~— 13. At any place where official signs prohibit stopping;~~

~~— 14. All street areas adjacent to curbs painted yellow, unless the area so painted yellow is posted by signs allowing parking, such as a loading zone. This section shall not prohibit a taxicab from stopping to expeditiously load or unload passengers in residential areas;~~

~~— 15. All areas properly marked for handicapped parking unless the vehicle is registered with the state of Alaska as a vehicle of a handicapped person or a city of Petersburg handicapped parking permit is properly displayed in the lower right-hand corner of the windshield;~~

~~— 16. No person shall park any vehicle in or upon a street or area designated by signs as a fire lane.~~

~~B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.~~

~~11.56.020 – Parking in streets and alleys.~~

~~No person shall park a vehicle in any street or alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic; and no person shall stop, stand or park a vehicle therein in such position as to block the driveway entrance to any abutting property.~~

~~11.56.030 – Parking for certain purposes prohibited.~~

~~No person shall park a vehicle upon any roadway for the principal purpose of:~~

~~A. Displaying such vehicle for sale;~~

~~B. Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.~~

~~11.56.040 – Parking limits established.~~

~~A. The traffic authority of the city is authorized to establish parking time limits, prohibit parking on designated streets and parts of streets, and designate areas for permitted parking, by having appropriate signs or curb markings erected or placed thereon.~~

~~B. When such signs or markings have been erected or so placed it shall then be unlawful for any person to park a vehicle in violation thereof.~~

~~11.56.050 – Parking more than twenty-four hours.~~

~~A vehicle may not remain parked or standing within one location or parking space in excess of twenty-four hours upon any bridge, viaduct, causeway, street, highway or other public area within this city, and no such sign giving notice thereof is necessary for this regulation to be effective.~~

~~11.56.060 – Stopping, standing or parking on main-traveled part of highway.~~

~~A. No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the main-traveled part of a highway, except that this section shall not prohibit the making of brief stops for on and off loading of passengers.~~

~~B. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.~~

~~11.56.070 – Vehicles impeding snow removal operations.~~

~~No person shall park a vehicle on any street or other public area at any time when snow removal operations are being conducted on or in the vicinity of such street or other public area, without leaving in charge of such vehicle a person authorized, competent and able to remove such a vehicle. Falling snow, the presence of un-removed snow on such street or other public area, or the conduct of snow removal operations will be sufficient to indicate this prohibition.~~

D. Section 11.12.040 of the Petersburg Municipal Code, is hereby amended by inserting a new paragraph D, to read as follows:

11.12.040 - Additional parking restrictions.

[There are no changes to paragraphs A through C]

D. A vehicle may not remain parked or standing within one location or parking space in excess of twenty-four hours upon any bridge, viaduct, causeway, street, highway or other public area within the borough, and no such sign giving notice thereof is necessary for this regulation to be effective.

E. Chapter 11.60 of the former City of Petersburg Code, is hereby repealed in its entirety:

Chapter 11.60 - PARKING LOT REGULATIONS

~~11.60.010 - Parking in commercial lot.~~

~~It is unlawful for any person to park or cause to be parked any motor vehicle in a commercial parking lot without the express permission of the owner or persons having control over such lot.~~

~~11.60.020 - Violation of commercial parking lot provision.~~

~~Any motor vehicle parking in violation of Section 11.60.010, upon written request of the owner or person in control of a commercial parking lot, may be impounded in accordance with the provisions of this title.~~

~~11.60.030 - Commercial parking lot defined.~~

~~"Commercial parking lot," as used in Sections 11.60.010 and 11.60.020, means an area devoted to parking space rented or devoted to the accommodation of the motor vehicles of the customers of the owner or owners of a nearby business and which has been posted by the owner or person in control thereof with a conspicuous and discernible sign designating the same as a commercial parking lot and setting forth the conditions under which motor vehicles may be parked therein. Such sign shall be approved as to size and lettering by the chief of police.~~

~~11.60.040 - Off-street parking areas established.~~

~~The city council establishes off-street parking areas.~~

~~11.60.050 - Off-street parking area use control.~~

~~The city council is authorized to establish parking time limits, prohibit parking, establish the charge to be made for parking or use thereof, establish the method of collection, establish speed limits, and such other matters as it deems necessary for property control and operation of municipal off-street parking areas by having appropriate signs, curb markings or a combination of the same erected or so placed. It is unlawful for any person to park or operate a vehicle in violation thereof.~~

~~**11.60.060 – Parking in public dock facilities.**~~

~~Every vehicle parked or left in a parking space on the public dock facilities shall be parked or left at the approximate angle indicated. Any person parking or leaving a vehicle in such a parking space in any manner contrary to this section is guilty of a misdemeanor.~~

~~**11.60.070 – Vehicles and objects prohibited on dock facilities.**~~

~~No person shall drive, pull, roll, push or otherwise cause to be located upon the dock facilities any of the following vehicles or objects: skateboards, roller skates, all-terrain vehicles, bicycles, tricycles, skates, wagons or sleds, except when used for moving goods to and from vessels.~~

~~**11.60.080 – Enforcement.**~~

~~The police department shall enforce the provisions of this chapter and violators thereof shall be punished as provided in Section 11.96.070.~~

F. PMC Chapter 11.96 is hereby repealed in its entirety:

Chapter 11.96 – PENALTIES

~~**11.96.010 – Reserved.**~~

~~**11.96.020 – Reserved.**~~

~~**11.96.030 – Reserved.**~~

~~**11.96.040 – Reserved.**~~

~~**11.96.050 – Reserved.**~~

~~**11.96.060 – Reserved.**~~

~~**11.96.070 – Penalties generally.**~~

~~A. Reserved.~~

~~B. Violations of the provisions of Chapter 11.56 and 11.60 of the Petersburg Municipal Code and Chapter 13 AAC 02.340 of the Alaska Administrative Code shall be subject to escalation according to the following schedule, except as otherwise provided:~~

- ~~— 1. From ten dollars to twenty dollars if not paid within seven days;~~
- ~~— 2. From twenty dollars to fifty dollars if not paid within fifteen days;~~
- ~~— 3. From fifty dollars to one hundred dollars if not paid within thirty days.~~

~~C. Unauthorized persons parking in an area properly marked for use by handicapped persons only shall be subject to a fine of one hundred dollars.~~

~~D. Reserved.~~

~~E. Reserved.~~

G. PMC Sections 14.20.360 and .380 are hereby amended as follows, with the proposed new language in bolded red and underlined:

14.20.360 - Regulation of vehicles and parking areas.

A. The harbormaster, **or the harbormaster's designee, is authorized to enforce traffic and parking ordinances at borough harbor facilities. Additionally, the harbormaster** may establish **and enforce additional** reasonable traffic and parking regulations as may be required for the safe and orderly operation and parking of all vehicles within the confines of harbor facilities. This includes the posting of signs and all other regulations that may be required. Vehicles found in violation of these regulations will be subject to **fees and to** towing and placement in a designated impound lot.

[There are no amendments to paragraphs B and C]

14.20.380 - Fees for prohibited acts.

The following acts shall be unlawful within the jurisdiction of the municipal harbors and penalties shall be assessed as follows:

[There are no amendments to paragraphs A through L]

M. Parking in violation of 14.20.360C or posted signage \$25.00

Section 4. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

Section 5. Effective Date: This Ordinance shall become effective immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this ____ day of _____, 2022.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Clerk

Adopted:
Noticed:
Effective: