



CODE REVIEW COMMITTEE MEETING

Thursday, September 28, 2023 at 5:30 PM

AGENDA

In compliance with the Americans with Disabilities Act, individuals needing special accommodations / during this meeting should notify the City of Dillingham at 907-842-5212 at least three working days before the meeting.

MEETING INFORMATION

CODE REVIEW COMMITTEE MEETING

CITY HALL COUNCIL CHAMBERS

141 Main Street, Dillingham, AK 99576 (907) 842-5212 This meeting will also be available at the following online location:

<https://us02web.zoom.us/j/81182447405?pwd=bmVna21PcC9jZ09tTzB4UHBVaDNBQT09> Meeting ID: 811 8244 7405; passcode: 610903 Or dial (346) 248-7799; or (669) 900-6833

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Minutes Not Available

APPROVAL OF AGENDA

UNFINISHED BUSINESS

NEW BUSINESS

- [2.](#) ORDINANCE NO. 2023-05
AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 11.24
ABANDONED VEHICLES
3. CODE Review 4.20.265 Repayment plan.
4. 4.15.030 Real and personal property exemptions.

PUBLIC COMMENT/COMMITTEE COMMENTS

ADJOURNMENT

CODE ORDINANCE

Introduced:
Public Hearing:
Adopted:

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2023-05

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

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.

Standard Operating Procedure (SOP) for Enforcing Ordinance Section 11.24.011.1: Stopping, Standing, Abandonment or Parking Regulations

Objective: To establish a clear and consistent process for the enforcement of Ordinance Section 11.24.011.1 related to stopping, standing, or parking on improved and unimproved roads and other locations. This SOP aims to ensure road safety, traffic flow, and compliance with parking regulations within the jurisdiction of the City of Dillingham.

Scope: This SOP applies to all law enforcement personnel, including police officers, and any other authorized individuals responsible for enforcing the regulations outlined in Ordinance Section 11.24.011.1.

Responsibilities:

1. Law Enforcement Personnel:

- Police officers and authorized personnel are responsible for enforcing the regulations outlined in Ordinance Section 11.24.011.1.
- They must have a thorough understanding of the ordinance, violations, penalties, and enforcement procedures.

Enforcement Procedure:

1. Stopping, Standing, abandoning and Parking Regulations:

- No person may stop, park, or leave a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other debris within eight feet of a roadway in a manner that causes a hazard or abandon on City of Dillingham property.
- Parking, stopping, or standing must not interfere with traffic flow, snow removal, road maintenance, or be in violation of official traffic-control devices.
- Vehicles stopped or parked on roadways due to emergencies must activate appropriate emergency signals.

2. Exceptions:

- Official duty vehicles are exempt from these regulations.
- Vehicles disabled to the extent that avoiding stopping is impossible are also exempt.

3. Owner Responsibility for Violations:

- a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris stopped, parked, or standing in violation of the ordinance are considered the responsibility of the registered owner unless proven otherwise.

4. Prohibited Locations:

- No person may stop, stand, or park a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris in prohibited locations as detailed in the ordinance.

- Prohibited locations include roadways, sidewalks, intersections, crosswalks, safety zones, street excavations, fire hydrants, driveways, City of Dillingham owned property and areas designated for persons with disabilities.

5. Enforcement Steps:

1. Run the license plate or identifying markings to determine ownership.
2. Attempt to contact the registered owner of the vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris.
3. Officer will mark the vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris with yellow ribbon indicating officer's initials, date and time of contact.
4. If the vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris has not been removed within 24 hours, the officer will mark the vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris with a pink ribbon with date, time, and officer's initials on the ribbon. Ribbons must be clearly visible.

6. Police Officer and Public Works Road Maintenance Employee Authority:

- Police officers and Public Works Road Maintenance employees are authorized to move a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris that obstruct traffic, snow removal, or road maintenance.

- They can require drivers to move vehicles to safer positions off the roadway.

7. Vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris Impoundment:

- Police officers can impound and remove a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris that:
 - Were previously reported stolen or taken without the owner's consent.
 - Lack proper license plates or evidence of registration.
 - Are abandoned or left in violation of specified time limits.
 - Are involved in a crime and impounded for investigation.

8. Removal and Impoundment Procedures:

- When the responding officer contacts the registered owner of a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris, the police officer must inform them of what options are available to have the vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris removed. The officer must inform the registered owner of the 48-hour expiration.

Note: If the officer is unable to identify or locate the owner after two attempts during the officers shift, the officer will initiate impound procedures after second failed attempt.

- If no removal alternative is indicated by the registered owner, and/or 48 hours have expired, the officer shall arrange for the vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris removal and impound with the public works department.
- The public works department must take photographic evidence before and after vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris removal.
- Impounded vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris shall be taken to a safe location.
- Registered owners can claim impounded vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris upon securing written release from the Dillingham Department of Public Safety and payment of fines, removal/towing, impound and storage fees.

9. Fines, Penalties, Impoundment, and Forfeiture:

- Violations result in fines based on severity and frequency as outlined in Section 11.24.011.2.
- Minor, moderate, and major violations have varying fines and the potential for vehicle impoundment.
- Impoundment and forfeiture are possible for unpaid fines, fees, and storage expenses.

10. Fee Schedule:

- Tow or Removal Fee: \$100 - \$800
- Impound Release Fee: \$200
- Storage Fee: \$20 per day

These fees are levied in addition to assessed fines.

Documentation and Record-Keeping:

1. Officer Reports:

- Detailed reports must be created for each violation, including offense details, location, vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris information, actions taken, fines, and impoundment.

Training and Awareness:

1. Training:

- All law enforcement personnel must receive comprehensive training on Ordinance Section 11.24.011.1, its enforcement, and corresponding procedures.

Communication:

1. Public Awareness:

- The City of Dillingham will communicate parking and abandonment regulations, fines, and enforcement procedures to the public through official channels, including the city website, social media, and local publications.

Review and Updates:

1. Review:

- This SOP shall be periodically reviewed to ensure its effectiveness, alignment with current regulations, and relevance.

Approval:

This SOP has been reviewed and approved by the relevant authorities in the City of Dillingham. Any revisions or updates will be communicated to all personnel responsible for enforcement.

Effective Date:

This SOP is effective from _____ and replaces any previous guidelines related to the enforcement of Ordinance Section 11.24.011.1 within the City of Dillingham.