

KODIAK CITY COUNCIL

WORK SESSION AGENDA

Tuesday, July 23, 2013

Kodiak Island Borough Conference Room

7:30 p.m.

Work sessions are informal meetings of the City Council where Councilmembers review the upcoming regular meeting agenda packet and seek or receive information from staff. Although additional items not listed on the work session agenda are sometimes discussed when introduced by the Mayor, Council, or staff, no formal action is taken at work sessions and items that require formal Council action are placed on a regular Council meeting agenda. Public comments at work sessions are NOT considered part of the official record. Public comments intended for the "official record" should be made at a regular City Council meeting.

Discussion Items

1. Public Comments (limited to 3 minutes)
2. KPD Vehicle Purchase Presentation.....1
3. Introduction of an Ordinance Amending Kodiak City Code 5.40.010, Businesses on City Property Prohibited; Repealing and Reenacting Kodiak City Code Chapter 10.08, Motor Vehicle and Driving Offenses—Rules of the Road; Enacting Kodiak City Code Chapter 10.16, Stopping, Standing, and Parking; Repealing and Reenacting Kodiak City Code 10.40.010, Impoundment; Repealing Kodiak City Code 10.44.020, Failure to Obey Citation; Repealing and Reenacting Kodiak City Code 10.44.030, Vehicle and Traffic Offenses—Fine Schedule; to Provide for a Civil System for Parking Enforcement.....13
4. July 25, 2013, Agenda Packet Review

MEMORANDUM TO COUNCIL

To: Mayor and City Councilmembers
From: Aimée Kniazowski, City Manager
Thru: T.C. Kamai, Chief of Police
Date: July 23, 2013

Agenda Item: Work Session Agenda Item #2, KPD Vehicle Purchase Presentation

SUMMARY: This action authorizes the replacement of one older and high mileage police patrol vehicle that has been recommended for replacement in FY2014 with a 2014 model year All Wheel Drive Police Utility Vehicle. The existing vehicle has been in service beyond its useful life and has been evaluated for replacement. Replacement is consistent with the Council's Vehicle Replacement Policy and the need to replace this vehicle was discussed with Council during the FY2014 budget process. Staff recommends the Council authorize the City to attach to the State of Alaska contract to purchase this vehicle in the amount of \$25,830.

PREVIOUS COUNCIL ACTION:

- The replacement of this vehicle meets the evaluation and purchasing requirements established by the City's Vehicle Replacement Policy adopted by Resolution No. 2011-07 on March 31, 2011.
- The Council was briefed on the status of the police department vehicle fleet as well as the recommendation to replace this vehicle at the May 4, 2013, budget presentation meeting.
- Council approved funds for the replacement of this vehicle when the FY2014 budget was adopted.

DISCUSSION: The Kodiak Police Department maintains a fleet of nine marked police vehicles. These vehicles are equipped with safety equipment, radios, lights, and sirens. They provide transportation for police officers and are used for routine and emergency response. Police patrol vehicles are used heavily by the officers assigned to them. The vehicle being replaced has well over 116,000 road miles on the odometer. The combined effects of age and mileage have contributed to a number of issues ranging from corrosion and electrical problems to mechanical difficulties. This vehicle provides poor reliability for a vehicle that plays such a key role in our community emergency response capability. Moreover staff believes that it is no longer a cost effective strategy to continue to maintain this vehicle.

The police department fleet is evaluated by the Public Works Shop Supervisor (PWSS) annually. The PWSS performs an evaluation of vehicles using industry standards and criteria consistent with the City's vehicle replacement policy, and makes recommendations about which vehicles can remain in service

and which should be removed from service. The evaluation includes a comprehensive physical inspection of the body, vehicle electronics, engine, transmission, frame, and suspension. The PWSS also evaluates the economic benefit of replacing a vehicle or repairing damage to a vehicle.

The vehicle scheduled for replacement is a 2006 model year Ford Expedition Special Service Vehicle. This vehicle was used as a police patrol vehicle since it was purchased. Operational driving periods for this vehicle ranged from 8 to 16 hours over multiple days. In the seven years since it was acquired it has accumulated over 116,000 road miles on the odometer.

The PWSS evaluation of this vehicle has revealed evidence of rust and corrosion on the frame and suspension. Additionally, age and use have resulted in more than normal maintenance to the engine and transmission. Major and minor components such as belts and window regulators have already been replaced. The PWSS estimates that the police department has spent more than \$6,800 in parts and labor to maintain this vehicle for police operations. Based on the overall mechanical condition of this vehicle the PWSS expects these costs to increase if this vehicle is to remain in service. The PWSS recommends this vehicle be replaced in FY2014.

ALTERNATIVES:

1. Authorize the City to attach to the State of Alaska bid to purchase this new vehicle. This is the staff recommendation, as it will enable the Police Department to replace this vehicle at a price that is affordable.
2. Do not authorize this transaction. This alternative is not recommended because it is not consistent with the City's vehicle replacement policy, would impact police operations, and be contrary to the interest of the City.

FINANCIAL IMPLICATIONS: City purchasing procedures specify open market solicitation except under certain circumstances. One such circumstance is when another unit of government, "through their formal bidding process, has established the lowest responsible bidder, and where the property or service meets or exceeds the city's specifications." Staff submits that attaching to the State of Alaska contract for the purchase of this vehicle would be in the best financial interest of the City. Also, there is sufficient funding in the FY2014 budget to cover the purchase of this vehicle.

LEGAL: Kodiak City Code Section 3.12.070(c) allows the City to purchase items when other units of government have established the lowest responsible bidder and where the equipment meets or exceeds the City's needs or specifications. This provision permits the City to attach to the State of Alaska's bid and purchase the police vehicle through the State of Alaska contract.

STAFF RECOMMENDATION: Staff is recommending the Council authorize attachment to a State of Alaska contract to purchase this vehicle in the amount of \$25,830, with funds coming from the FY2014

Kodiak Police Department Operational Budget, Uniform Patrol Sub-Department, Machinery and Equipment line item. The use of these vehicles creates considerable wear and tear due to near constant use. The vehicle has been evaluated by Public Works and is recommended for replacement. The replacement also meets the City's Vehicle and Equipment Replacement Policy.

ATTACHMENTS:


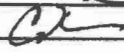
Attachment A: CIP nomination forms for replacement of KPD vehicle

CITY OF KODIAK
FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM
VEHICLE / EQUIPMENT REPLACEMENT NOMINATION
1 of 2 pages

Costs are estimated at (check one)

- Less than \$10,000
 Greater than \$10,000

The Following Signatures are required:

Vehicle Maint. Supervisor 
 Department Head: 
 City Manger: _____

This purchase is requested to be funded in Fiscal Year	Fiscal Year : 2014
Prepared by: Chief of Police TC Kamal	Date: April 22, 2013
Department: Police	
Nomination Name: Replacement Vehicle PD Patrol	

REQUEST NEW UNIT DESCRIPTION (ATTACH PRICE QUOTES, DESCRIPTIONS, AND PHOTOS FROM THREE VENDORS)	
Unit ID Number	5
Year – Make - Model	2006 Ford Expedition
Engine Size – Fuel Type	5.4 L 8 cylinder gasoline engine
Current Mileage	116,000
Body Condition	Rust present on the body and frame
License Plate No.	XYB826
VIN or Serial Number	1FMPU16536LA64614

FUNCTION: WRITE A BRIEF SUMMARY OF HOW THIS UNIT HAS BEEN USED AND HOW OFTEN.

The Kodiak Police Department maintains a fleet of nine (9) marked police vehicles. These vehicles are equipped with safety equipment, radios, lights and sirens and provide transportation for police services and are authorized for emergency response. Vehicle #5 is a 2006 Ford Expedition Special Service Vehicle. This vehicle has in excess of 116,000 miles, and has been in service with the department's fleet as a shared patrol car since it was purchased in 2006. As a shared patrol car it was assigned to at least 2 police officers on opposing shifts and utilized for routine and emergency patrol related duties. Operational driving periods ranged from 8 – 16 consecutive hours, over multiple days

JUSTIFICATION: WRITE A BRIEF SUMMARY OF WHY THIS UNTI IS BEING REPLACED. INCLUDE ITEMS SUCH AS HISTORY, CONDITION ASSESSMENT, COSTS, USES, PUBLIC WORKS EVALUATION REPORT, ETC.
Overall Condition, Maintenance Costs, Out of Service Time, Parts Availability, and Associated Safety Issues

Overall Mechanical Condition:

Vehicle #5 has over 116,000 miles of high demand police use. The body and frame show evidence of rust and corrosion. Engine and transmission require more than normal maintenance to remain in working condition. Major and minor components such belts and window regulators have been replaced.

Maintenance Costs:

Maintenance records for this vehicle are somewhat incomplete. The first available maintenance records are dated from February 2010. Total maintenance costs for this vehicle from that date through the date of this report indicate the department has spent in excess of \$6,800 in parts and labor to maintain this vehicle for police operations. Based on the overall mechanical condition of this vehicle we expect these costs to increase as the vehicle continues to remain in service.

Out of Service Time:

This vehicle is presently in service, but its overall mechanical condition, age, engine miles and hours, coupled with the fact that this vehicle remains a shared patrol car is cause for great concern. Reliability is questionable.

Parts Availability:

Parts are still available for this model year.

Associated Safety Issues:

The rust and corrosion observed on this vehicle along with its overall mechanical condition make it unsuitable for continued use as a police vehicle.

Alternative Vehicles:

Staff continues to evaluate the feasibility of deploying alternative vehicles. While many alternative fuel vehicles are now available, their deployment as an emergency response vehicle is not yet available or practical.

**CITY OF KODIAK
FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM
VEHICLE / EQUIPMENT REPLACEMENT NOMINATION
2 of 2 pages**

Proposed Dispositions of Replaced Unit as Determined by Vehicle Maintenance Division (check one):

To General Fleet

To Surplus Sale

REQUEST NEW UNIT DESCRIPTION (ATTACH PRICE QUOTES, DESCRIPTIONS, AND PHOTOS FROM THREE VENDORS)	
Year – Make - Model	Current or new model year Ford Police Interceptor Utility
Engine Size – Fuel Type	3.7L TI-VCT V6 FFV 304HP/279 lf-ft Torque gasoline engine
Number of Doors	Four
Seating Capacity	Four
Specialty Items	Police Package
Color , Police Package, Tires, Transmission, Etc.	White, Police Package, All-Wheel Drive Utility

REQUESTED NEW UNIT COSTS	
Basic Equipment Costs	\$25,830 (Negotiated Contract Price with State of Alaska, Valid until 11/2014)
Specialty Equipment Cost	\$ 9,765

Shipping Costs	\$ 600
Total Costs	\$36,481 (Estimate)

OPERATIONAL COSTS:

Vehicle #5 has approximately 116,000 miles on the odometer. This vehicle has been used as a shared patrol car since it entered service with the police department in 2006.

After a suitable break in period this vehicle was released to full patrol duties. At this point in its service life it went from being driven by a single operator for up to 8-hours in a single 24-hour operational period, to having multiple operators. Driving periods ranged from 8 to 16 consecutive hours of use in a single operational period, over multiple days.

This vehicle received regular and emergency maintenance throughout its service life. Still, at some point the combination of vehicle age, miles, and engine hours, coupled with Kodiak's austere environment have contributed to on-going maintenance issues. A cost benefit analysis supports replacement of this vehicle in FY14.

An evaluation conducted by the City Public Works Maintenance Shop Supervisor calls for the replacement of this vehicle in FY14 as a cost effective means for the police department to maintain a safe and mechanically reliable vehicle within its fleet.

The Supervisor also recommends that Vehicle #5 be repurposed for use by the City Engineer. While no longer suitable for police use, this vehicle may still have value for another entity that does not have the same operational requirements as the police department.

Capital Outlay Request

City of Kodiak



Department: Public Works Maintenance Shop, Gerald Pherson

Division: Kodiak Police Department

Priority:

Request: 2006 Ford Expedition VIN# 1FMPU16536LA64614

Estimated Cost:

Trade-In Kodiak Police Department Unit #5

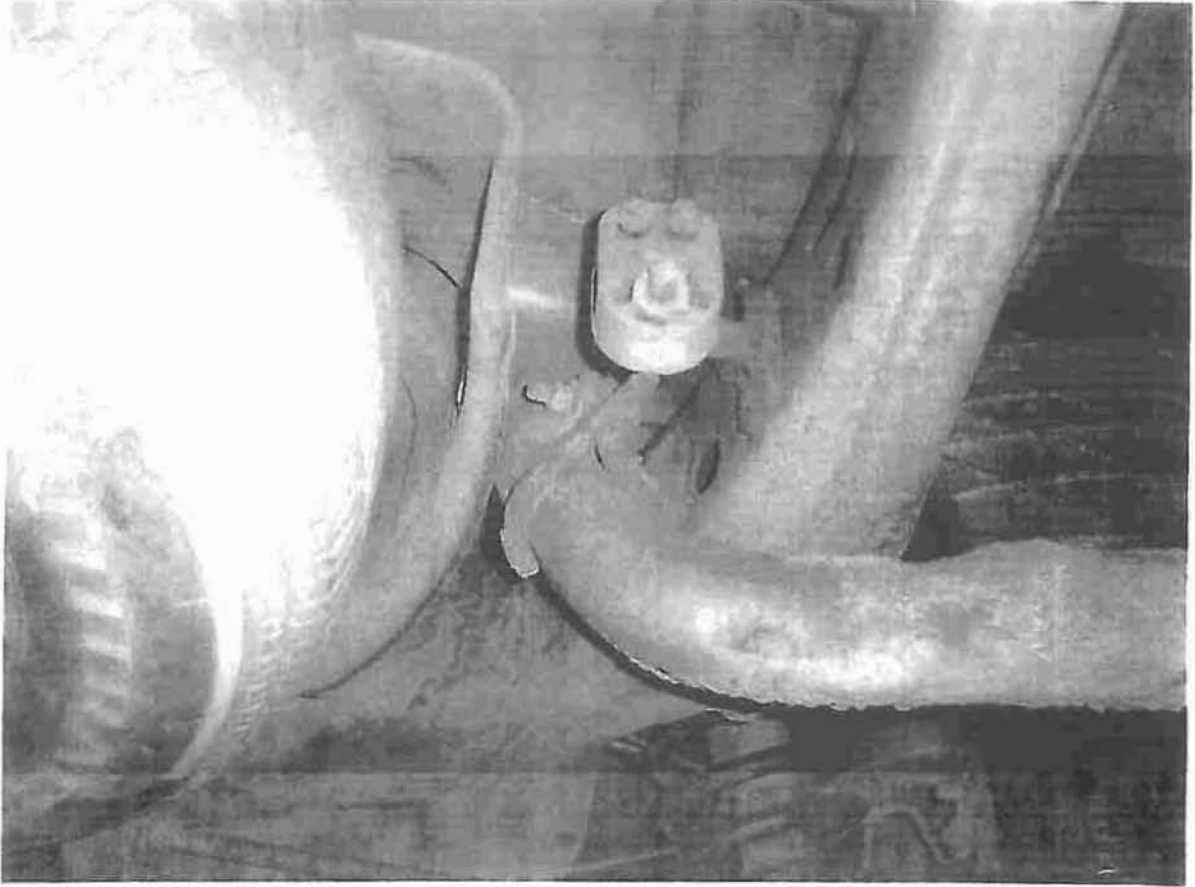
**Justification and/or
Comments**

KPD Unit #5 has approximately 116,000 miles on the odometer. It has been used as a patrol unit since it was new in 2006.

The body and frame are starting to show signs of rust especially on the body seams. There have been several items that have been replaced that are not typical wear items. The transmission was removed and a new flex plate and starter were installed. The seat belts and window regulators have been replaced because of the amount of use they have received. Unit #5 has been back several times in the last year for failed coils and spark plugs.

With the amount of miles and age of Unit #5 it is starting to show signs of becoming unreliable. I recommend Unit #5 be replaced in fiscal year 2014 and be passed down to the engineering department where there is a need for a larger vehicle.





KPD

UNIT	DATE	AMOUNT	YTD	PERCENT	TOTAL
5	2/26/2010	1.5	66	16.44	78285
5	4/9/2010	2	88	248.39	79853
5	7/7/2010	1.5	66	57	
5	7/9/2010	2	88	26.7	85324
5	7/13/2010	1.5	66	223.27	
5	8/9/2010	2	88	0	
5	9/29/2010	3	132	75.65	
5	1/10/2011	2.5	110	333.5	79309
5	5/10/2011	1.5	66	208.95	
5	7/7/2011	0.5	22	0	99131
5	8/17/2011	1	44	0	100538
5	10/10/2011	10	440	444.26	102355
5	10/21/2011	3	132	239.57	102767
5	11/7/2011	2.5	110	169.81	103455
5	12/27/2011	8	352	534.78	
5	1/5/2012	1	44	2.19	
5	3/20/2012	1.5	66	89.97	
5	5/15/2012	2.5	110	199.89	
5	6/21/2012	2	88	191.77	
5	7/10/2012	1	44	3.99	
5	7/31/2012	2	88	26.8	
5	9/11/2012	3	132	189.76	

3080 # 3733.14

City of Kodiak Vehicle Evaluation

- Evaluation date 2-28-2013
- City vehicle ID number KPD 5
- Vehicle odometer reading 114653
- Vehicle history KPD Patrol
- Vehicle test drive notes good power, handling felt loose, warped rotors
- Assess engine and transmission performance good engine and transmission performance

Under vehicle inspection

- Front brakes condition, amount remaining RF 50% LF 50%
- Rear brakes condition, amount remaining RR 50% LR 50%
- Brake hoses, lines and cables Brake Lines, Hoses, and cables look ok, but Passenger Side looks to have small leak
- Suspension and steering components, including tie rods, drag link, ball joints, springs shackles and shocks Both front inner tie rods have play in them, passenger outer tie rod has play, may need shocks
- Condition of frame, frame hangers and body mounts minor rust on every part of frame
- Transmission, transfer case and differentials front diff has small leak from seal, transfer case output seal has small leak
- Underside of engine and engine compartment underside of engine looks good

Under hood inspection

- Check all fluid levels and record coolant 1/2 qt low
- Check battery and charging system
- Inspect engine for leaks, exhaust, oil, coolant airlines power steering fluid was leaking, no other leaks found
- Inspect power steering, hoses, belts and accessories power steering fluid was leaking, not currently
- Inspect electrical components and wiring all electrical looks in good shape
- Check cylinder power balance or compression cylinder power balance appears good
- Check power train control module for codes no codes present

Vehicle exterior

- Check for body damage—fenders, bumpers minor paint chip / with Rust on Passenger's Rear door, no other damage

- o Check glass—windows, windshield all glass is in good condition
- o Check lights – lenses and proper operation all lights working properly

Vehicle interior

- o Check interior—seats, steering wheel, pedals and panels interior is in good shape
- o Check vehicle controls and accessories all controls appear to be working correctly

Added notes:

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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniaziowski, City Manager *AK*
Thru: T.C. Kamai, Chief of Police
Date: July 23, 2013

Agenda Item: Amending Kodiak City Code 5.40.010, Businesses on City Property Prohibited; Repealing and Reenacting Kodiak City Code Chapter 10.08, Motor Vehicle and Driving Offenses—Rules of the Road; Enacting Kodiak City Code Chapter 10.16, Stopping, Standing, and Parking; Repealing and Reenacting Kodiak City Code 10.40.010, Impoundment; Repealing Kodiak City Code 10.44.020, Failure to Obey Citation; Repealing and Reenacting Kodiak City Code 10.44.030, Vehicle and Traffic Offenses—Fine Schedule; to Provide for a Civil System for Parking Enforcement

SUMMARY: An amendment to District Court Criminal Rule 8 for minor offenses by the Alaska Supreme Court seriously impacted the police department's ability to enforce parking rules in the city. This ordinance would create civil penalties section to remedy this and allow the Police Department to resume parking enforcement in the City. This ordinance also proposes increasing the fine amount for parking violations to \$20 per violation. This sum will enhance cost recovery and support a new civil penalties section of Code City staff will administer. In addition, this ordinance adopts, by reference, Title 13 AAC Chapter 02, Motor Vehicle and Driving Offenses: Rules of the Road, and promotes consistency and continuity when enforcing all common driving offenses occurring within the City. Staff recommends Council approve advancement of this ordinance.

PREVIOUS COUNCIL ACTION: The Council was briefed on the effects Alaska Supreme Court Order No. 1794 would have on the city parking supervision program. Council was also informed that staff had begun to work with the City Attorney to develop solutions for continuing parking supervision within the City limits.

BACKGROUND: In December 2012, the Alaska Supreme Court issued Order No. 1794 amending and adopting a new District Court Criminal Rule 8 for minor offenses. A review of Order No. 1794 revealed that the majority of the amendments made would not affect the Kodiak Police Department because they involved administrative matters such as citation formatting, procedures for processing citations and collecting fines. However, one portion would; Rule 3(g) provides: an officer must deliver a citation to the defendant personally in accordance with Alaska Statute 12.25.175-190. This meant that under the new rule citations may not be served by the following:

- By certified mail

- By being left on a vehicle or the door of a house
- By an officer, other than the issuing officer
- By a process server

In other words, the adoption of this rule made the practice of leaving a parking citation on an unattended motor vehicle no longer permissible. Based on this rule change the Chief of Police was left with the following choices:

- Suspend all efforts to enforce local parking rules
- Require police and community service officers to wait next to vehicles that were parked in violation of local parking rules for the purpose of personally serving citations
- Make all local parking rules not subject to District Court Rules

The Chief of Police believes that suspending parking enforcement was not a solution. Parking is a contentious issue within the City. Each year the police department responds to dozens of parking complaints, and each year they issue dozens of citations for parking violations, making enforcement necessary. The Chief of Police also believes that it's not practical for members of the police department to have to wait next to a vehicle for an undetermined amount of time to issue a parking ticket. This would be a poor use of resources. Instead, the Chief of Police worked with the City Attorney to create a civil penalties section that establishes a mechanism to enforce local parking rules outside the jurisdiction of the District Court.

Under this new civil system a parking ticket would become a violation. All current local parking violations would remain in effect. Violations would carry fines, but no point assessment would be made against the violator's driver's license. In this new civil system violators would have the choice of resolving the violation by paying the fine amount at the police station within 30 days of the date of the violation, or appealing the violation before an administrative hearing officer within the same time frame.

The administrative hearing officer would be appointed by the City Manager. The role of the administrative hearing officer would be to exercise judgment to the weight of evidence supporting or refuting the violation, and exercise independent judgment on legal issues raised by the parties involved. Hearings may be governed by such rules and procedures as the hearing officer may establish, except that the violator may appear in person or by telephone. They may also present witnesses and evidence at the hearing and cross examine opposing witnesses. Under this system, the violator may appeal the final decision of the hearing officer to the superior court within 30 days after the date the final decision was made.

Also proposed in this ordinance is a recommendation that City parking fines be increased from \$10 to \$20 a violation. Staff acknowledges that by establishing this civil system to address local parking violations they will be taking on greater administrative responsibilities to facilitate this program. Costs associated with implementing this new system which were once shared with the District Court will be

performed entirely by City staff. The recommendation to increase the fine amount is deemed necessary to enhance cost recovery efforts in support of enforcing local parking rules.

This ordinance also proposes adopting by reference Title 13 AAC Chapter 02, Motor Vehicle and Driving Offenses: Rules of the Road. This chapter contains all of the rules and regulations for the most common driving offenses, to include, but not limited to: traffic control devices; rights of way; pedestrian rights and duties, turning, starting and stopping; and speed restrictions.

This change is requested by the Chief of Police to achieve consistency and continuity in addressing driving offenses currently being enforced in the city. At the present time the city has adopted portions of this chapter but not all of it. If approved this ordinance would incorporate by reference all of Title 13 AAC Chapter 02 and enhance the police departments traffic enforcement efforts. By incorporating this chapter into city code any fines and fees collected would be remitted to the city and help with the cities cost recovery efforts when enforcing common driving offenses.

DISCUSSION:

Establishing Civil Penalties Section: In December 2012, the Alaska Supreme Court issued Order No. 1794 amending and adopting a new District Court Criminal Rule 8 for minor offenses. A review of the order revealed that the majority of the amendments would not impact the Police Department. However, one portion would; Rule 3(g) provides: an officer must deliver a citation to the defendant personally in accordance with Alaska Statute 12.25.175-190.

The Chief of Police worked with the City Attorney to create a civil penalties section that establishes a mechanism to enforce local parking rules outside the realm of the District Court.

This proposed civil system provides a violator with the option of paying the fine amount, or appealing the violation to an administrative hearing officer designated by the City Manager. This system also allows the violator to contest the final decision of the administrative hearing officer to the superior court.

Increasing Fines: Staff acknowledges that by establishing a civil penalties system to address local parking violations they will be taking on greater administrative responsibilities. Costs associated with implementing this new system which were once shared with the District Court will be performed entirely by city staff. The recommendation to increase fines from \$10 to \$20 per violation is deemed necessary to enhance cost recovery efforts in support of enforcing local parking rules.

Adoption of Title 13 AAC Chapter 02, Motor Vehicle and Driving Offenses: Rules of the Road: This ordinance also proposes adopting by reference Title 13 AAC Chapter 02, Motor Vehicle and Driving Offenses: Rules of the Road. This chapter contains all of the rules and regulations for the most common driving offenses, to include, but not limited to: traffic control devices; rights of way; pedestrian rights and duties, turning, starting and stopping; and speed restrictions.

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This change is requested by the Chief of Police to achieve consistency and continuity in addressing common driving offenses being enforced in the city. At the present time the city has adopted portions of this chapter but not all of it. If approved this ordinance would incorporate by reference all of Title 13 AAC Chapter 02 and enhance the police departments traffic enforcement efforts. By incorporating this chapter in its entirety into city code, fines and fees would be remitted to the city and help with the cities cost recovery efforts for enforcing common driving violations.

ALTERNATIVES:

1. Authorize this ordinance, in which case parking supervision would resume, and continuity and consistency would be enhanced through the adoption of expanded “Rules of the Road,” and the city would be in better position to recover its costs through increased fines. This is the recommendation staff makes to Council.
2. Do not authorize this ordinance. The City’s parking supervision program would be unenforceable; the police department would continue to experience problems with consistency and continuity in its traffic enforcement program. Community quality of life, health and safety would be negatively impacted.

LEGAL: The City Attorney worked with staff to review the impacts of the Alaska Supreme Court actions, recommended these repeals and enactments, and prepared the draft ordinance to reinstate traffic enforcement in the City.

STAFF RECOMMENDATION: Staff recommends Council consider introducing this ordinance.

ATTACHMENT:

Attachment A: Draft Ordinance

CITY OF KODIAK
ORDINANCE NUMBER _____

AN ORDINANCE AMENDING KODIAK CITY CODE 5.40.010, BUSINESSES ON CITY PROPERTY PROHIBITED; REPEALING AND REENACTING KODIAK CITY CODE CHAPTER 10.08, MOTOR VEHICLE AND DRIVING OFFENSES—RULES OF THE ROAD; ENACTING KODIAK CITY CODE CHAPTER 10.16, STOPPING, STANDING AND PARKING; REPEALING AND REENACTING KODIAK CITY CODE 10.40.010, IMPOUNDMENT; REPEALING KODIAK CITY CODE 10.44.020, FAILURE TO OBEY CITATION; REPEALING AND REENACTING KODIAK CITY CODE 10.44.030, VEHICLE AND TRAFFIC OFFENSES—FINE SCHEDULE; TO PROVIDE FOR A CIVIL SYSTEM FOR PARKING ENFORCEMENT

BE IT ORDAINED by the Council of the City of Kodiak, Alaska, that:

Section 1: Kodiak City Code 5.04.010, Businesses on city property prohibited, is hereby amended to read as follows:

5.04.010 Businesses on city property prohibited. Except where permitted under the provisions of this chapter, no person may park, place, erect, or construct a building, structure, tent, trailer, bus, or other enclosure, or a stand or table, on a street, alley, sidewalk, parking lot, or other public place in the city for the purpose of displaying for sale, selling, or soliciting the sale of goods or services, nor may any person park a vehicle bearing a for sale sign in any city parking lot or other public place for a purpose of soliciting buyers or otherwise offering the vehicle for sale. It shall be conclusively presumed that any vehicle bearing a for sale sign which is parked in a city parking lot for more than 48 consecutive hours is parked with a purpose of soliciting buyers or otherwise offering the vehicle for sale (see also section 10.16.020(f)(3) of this code ~~10.08.030(f)(3)~~).

Section 2: Kodiak City Code Chapter 10.08, Motor Vehicle Driving Offenses—Rules of the Road, is hereby repealed and reenacted to read as follows:

CHAPTER 10.08
MOTOR VEHICLE AND DRIVING OFFENSES—
RULES OF THE ROAD

10.08.010 Rules of the road
10.08.020 Basic rule and maximum speed limit
10.08.030 Limited use of vehicular ways and areas
10.08.040 Skateboards and similar devices

10.08.010 Rules of the road. (a) Except as provided in subsection (b) of this section, 13 AAC Chapter 02, titled "Motor Vehicle and Driving Offenses: Rules of the Road," is adopted by reference, subject to the local amendments set forth in this chapter.

(b) The following provisions of 13 AAC Chapter 02 are not adopted by reference in subsection (a) of this section:

(1) Article 8 of 13 AAC Chapter 02, titled "Stopping, Standing and Parking."

(2) 13 AAC 02.480, "Unattended motor vehicle."

10.08.020 Basic rule and maximum speed limit. 13 AAC 02.275(b) is amended to read as follows:

(b) Except when a special hazard exists that requires a lower speed for compliance with (a) of this section, the maximum lawful speed on city streets is twenty (20) miles per hour, and no person may drive a vehicle at a speed in excess of this maximum limit, unless a different maximum limit is otherwise posted.

10.08.030 Limited use of vehicular ways and areas. 13 AAC 02.482(a) is hereby amended to read as follows:

(a) No pedestrian, rider of a bicycle, or driver of a vehicle may travel on a vehicular way or area as defined in AS 28.90.990(a)(30) when it is designated for use by a different mode of travel than used by a pedestrian, rider of a bicycle, or driver of a vehicle.

10.08.040 Skateboards and similar devices. (a) No person may ride or operate a skateboard, unicycle, coaster, scooter, roller skates, in-line skates, or a similar device upon any sidewalk, plaza, parking lot or vehicular way or area within or immediately adjacent to the area bounded by Center Avenue from West Rezanof Drive to and including the Alaska Marine Highway System ferry dock (also known as City of Kodiak Pier 1), Marine Way from Center Avenue to West Rezanof Drive, and West Rezanof Drive from Marine Way to Center Avenue. The area described in the foregoing sentence includes St. Paul's Plaza, the ferry dock and the parking area immediately adjacent to it, the small boat harbor parking lots on the south side of Marine Way, and the west side of West Rezanof Drive.

(b) Every person using a device described in subsection (a) of this section on a sidewalk, public path, roadway or other public property, where not prohibited, shall use such device in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of pedestrian traffic, grade and surface, and shall obey all traffic control devices. Every person using a device described in subsection (a) of this section on a sidewalk or public path shall yield the right-of-way to a pedestrian

(c) Every person using a device described in subsection (a) of this section on a roadway shall obey all traffic control devices applicable to vehicles and bicycles on a roadway except those which by their nature can have no application to the device.

(d) An officer issuing a citation for a violation of this section may seize and impound as evidence or instrumentality of the offense a device utilized by the cited offender in violation of this section. A device seized under this subsection

shall not be returned to the offender or owner until and unless the violation has been properly adjudicated by a court of competent jurisdiction, and the offender or owner provides evidence of the adjudication.

Section 3: Kodiak City Code Chapter 10.16, Stopping, Standing and Parking, is hereby enacted to read as follows:

CHAPTER 10.16
STOPPING, STANDING AND PARKING

- 10.16.010 Stopping, standing and parking
- 10.16.020 Additional parking regulations
- 10.16.030 Restricted parking; designation
- 10.16.040 Limited time parking
- 10.16.050 Parking in city parking lots
- 10.16.060 Motor vehicles used as living or sleeping accommodations
- 10.16.100 Notice of violation
- 10.16.110 Owner of vehicle presumed responsible for violation
- 10.16.120 Civil penalties for parking violations
- 10.16.130 Appeals

10.16.010 Stopping, standing and parking. Article 8 of 13 AAC Chapter 02, titled "Stopping, Standing and Parking," and 13 AAC 02.480, titled "Unattended motor vehicle," are adopted by reference, subject to the local amendments set forth in this chapter.

10.16.020 Additional parking regulations. Subsections (f) and (g) of 13 AAC 02.365 are hereby amended to read as follows:

(f) No person may park a vehicle upon a street, roadway, alley, vehicular way or area, or a municipal parking lot for the purpose of:

- (1) Washing the vehicle if the person parking the vehicle is a dealer, agent, or employee of a garage, filling station, or car wash;
- (2) Repairing or performing maintenance work on the vehicle except repairs or maintenance work necessitated by an emergency;
- (3) Displaying the vehicle for sale or hire in the regular course of the person's business except that a motor bus, sightseeing vehicle, airline service vehicle, or taxicab may park in accordance with the provisions of 13 AAC 02.372 (see also sections 5.04.010 and 5.04.015 of this code);
- (4) Storing or parking, without being attended by a driver, a vehicle to be used for hire to another person; or
- (5) Commercial advertising.

(g) No person may park a vehicle on a street, highway, public way, or area, or other public property, including a city parking lot, for more than twenty-four consecutive hours unless the location where the vehicle is parked is designated by an official traffic control device for parking for a different maximum time.

10.16.030 Restricted parking; designation. For the purpose of 13 AAC 02.340, the following official traffic control devices have the following meanings:

(a) Parking is prohibited next to a curb that is painted red.

(b) A curb that is painted yellow designates the adjacent parking space as a taxi or loading zone.

(c) A parking space designated with a sign bearing the federal handicapped symbol, and with the federal handicapped symbol painted on the parking space, is a designated handicapped zone.

10.16.040 Limited time parking. (a) The chief of police may designate, by placing official traffic control devices, time limits for parking on those parts of a street, roadway, alley or vehicular way where the chief of police has determined that demand for parking warrants the designation. No person may stop, stand or park a vehicle in violation of such an official traffic control device.

(b) The chief of police may issue permits to occupy parking spaces on a street, roadway, alley or vehicular way for the duration that the applicant demonstrates is necessary to accommodate a temporary activity such as a special event, construction project, or loading or unloading.

10.16.050 Parking in city parking lots. (a) The council by resolution may:

(1) Establish time limits for parking in city parking lots;

(2) Designate city parking lots for paid parking, and establish fees for paid parking in city parking lots; and

(3) Designate city parking lots for permit parking, and the fees and qualifications for obtaining a permit.

(b) The city shall notify the public of time limits in city parking lots, fees required to park in city parking lots, and permit requirements for parking in city parking lots by the placement of official traffic control devices. No person may stop, stand or park a vehicle in violation of such an official traffic control device.

10.16.060 Motor vehicles used as living or sleeping accommodations. No person may occupy or utilize any motor vehicle or trailer as living quarters or sleeping accommodations while the motor vehicle or trailer is parked on any public or private property in the corporate city limits, nor may any person park or leave standing a motor vehicle or trailer utilized or prepared for utilization as living quarters or sleeping accommodations through having been connected to any water, sewer, electric, or other utility lines or having been rendered incapable of immediate movement under its own power through the use of jacks, blocks, leveling devices or any other devices, except as provided in section 14.20.030 or section 14.20.040 of this code.

10.16.100 Notice of violation. A vehicle parked, stopped or standing in violation of this chapter is a public nuisance. Upon discovery of a vehicle abandoned, parked, stopped or standing in violation of this chapter, a police officer or community service officer may issue a notice of violation, and deliver it to the

operator of the vehicle or affix it to the vehicle if it is unattended at the time of issuance. The notice of violation shall identify the vehicle, the nature of the violation and the means of resolving it.

10.16.110 Owner of vehicle presumed responsible for violation. It shall be presumed that a vehicle which is found to be parked, stopped or standing in violation of this title has been so operated by the registered owner thereof or has been operated by another person with the consent of the registered owner, the vehicle to which a citation pertains being a public nuisance for which the registered owner holds legal responsibility. That presumption may be rebutted by presentation of satisfactory evidence that the vehicle was being operated by another person at the time of the violation without the consent of the registered owner and beyond the control of the registered owner.

10.16.120 Civil penalties for parking violations. (a) A person who violates a provision of this chapter pertaining to parking, standing or stopping a vehicle shall be subject to a civil penalty in the amount stated in the following table:

Code Section	Description of Violation	Penalty
10.16.010	Adoption by reference of state statutes and regulations regarding stopping, standing and parking	Corresponding amount in state traffic bail forfeiture schedule
10.16.020	Additional parking regulations	\$20.00
10.16.040	Limited time parking	\$20.00
10.16.050	Parking in city parking lots	\$20.00
10.16.060	Motor vehicles used as living or sleeping accommodations	\$100.00

(b) In addition to any other penalty provided by law, a person who fails to resolve a notice of violation under this chapter within the time stated on the face of the notice shall be subject to a civil penalty in the amount of \$15.00 in addition to any other penalty provided by law. Failure to resolve a notice of violation within 30 days after imposition of this civil penalty may also result in legal and collection fees. A notice of violation is resolved by payment of the amount due under this section on the earlier of:

- (1) The date the payment is received at the Kodiak Police Department; or
- (2) The legible postmark date on a payment received at the Kodiak Police Department.

10.16.130 Appeals. (a) A person who has been issued a notice of violation for vehicle parking, stopping or standing in violation of this chapter may appeal that action to the a hearing officer designated by the city manager by completing a violation appeal form approved by the city manager and delivering the form to the city manager no later than 30 days after the date of the notice of violation.

(b) The hearing officer shall schedule an appeal hearing no more than 10 business days after the date of delivery of the violation appeal form.

(c) The appeal hearing shall be conducted informally and may be governed by such rules and procedures as the hearing officer may establish, except that:

(1) Each party may appear in person or by telephone.

(2) Each party may present witnesses and evidence.

(3) Each party or the party's counsel may cross examine opposing witnesses on matters relevant to the issues, impeach witnesses regardless of which party first called the witness to testify, and rebut evidence against the party.

(4) Relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule which makes improper the admission of the evidence over objection in a civil action. Hearsay evidence may be considered provided there are guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence which the proponent can procure by reasonable efforts.

(5) The hearing shall be open to the public.

(6) An electronic recording shall be made of the hearing.

(d) The hearing officer may exercise independent judgment as to the weight of evidence supporting or refuting the notice of violation or impoundment, and may exercise independent judgment on legal issues raised by the parties.

(e) No later than 15 days following the hearing the hearing officer shall issue a written decision based on findings and conclusions adopted by the hearing officer. Such findings must be in writing and must be reasonably specific so as to provide interested persons and, where appropriate, reviewing authorities, a clear and precise understanding of the reasons for the decision entered. The decision, findings of fact and conclusions of law shall be forwarded to all parties to the appeal. A final appealable decision must indicate that it is a final order and that a party disputing the decision has 30 days to appeal.

(f) A final decision issued under subsection (e) of this section may be appealed to the superior court within 30 days after the date the decision was issued. For the purposes of this section the date of issuance is the date upon which the decision was mailed or delivered to the parties.

Section 4: Kodiak City Code 10.40.010, Impoundment, is hereby repealed and reenacted to read as follows:

10.40.010 Impoundment. A police officer or community service officer may direct the removal and impoundment by towing to an approved impound area or facility of a motor vehicle that is:

(a) Abandoned, wrecked, dismantled, or inoperative;

(b) Involved in a collision or a police investigation;

(c) Located or standing upon any street or alley right-of-way or public property in violation of the provisions of this title;

(d) Located or standing upon any street or alley right-of-way or public property and found to be mechanically unsafe to operate;

(e) The driver of which is found to be incapacitated or is taken into custody for an offense involving driving under the influence of intoxicating liquor or drugs, reckless driving, negligent driving, or any felony;

(f) Located on private property for over 24 hours without the consent of the owner or person in control of the property notifies after written notice to the chief of police requesting its removal; or

(g) The subject of four or more unresolved citations for parking, stopping or standing in violation of this title.

Section 5: Kodiak City Code 10.44.020, Failure to obey citation, is hereby repealed.

Section 6: Kodiak City Code 10.44.030, Vehicle and traffic offenses; fine schedule, is hereby repealed and reenacted to read as follows:

10.44.030 Vehicle and traffic offenses; fine schedule. (a) Pursuant to AS 28.05.151, the following vehicle and traffic offenses are amenable to disposition without court appearance upon payment of a fine in the amount listed below. The fine amounts listed below are doubled for violations committed within a highway work zone, as that term is defined in AS 28.90.990 and 13 AAC 40.010(b).

(b) Pursuant to AS 28.15.131 and 13 AAC 04.008, a citation for an offense listed as "Corr" must be dismissed (or voided) if proof of correction is presented to an inspection official within the time allowed. If the required repair is not made, the offense may be disposed of without court appearance upon payment of the fine amount listed.

Code Section	Description of Violation	Penalty
10.08.010	Adoption by reference of 13 AAC Chapter 02, titled "Motor Vehicle and Driving Offenses: Rules of the Road," subject to local amendments.	Corresponding amount in state traffic bail forfeiture schedule
10.08.040	Skateboards and similar devices: First offense Second offense Third and subsequent offenses	\$20.00 \$40.00 \$60.00
10.12.030	Transportation of hazardous material	\$20.00
Chapter 10.28	Snowmobiles and other off-road vehicles	\$20.00
10.32.100	Confinement of loads	\$50.00
10.32.110	Removal of dirt and debris	\$50.00
Chapter 10.36	Abandoned vehicles	\$100.00

Section 7: This ordinance shall be effective upon the date that is one month after its final passage and publication in accordance with Kodiak Charter Section 2-13.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

First Reading:
Second Reading:
Effective Date: