

Introduced	Brown, Horne
Date:	8/06/96
Hearing:	9/03/96
Action:	Enacted as Amended
Vote:	5 Yes, 3 No

**KENAI PENINSULA BOROUGH  
ORDINANCE 96-35**

**AN ORDINANCE ADOPTING SPEED RESTRICTIONS  
FOR BOROUGH-MAINTAINED ROADS**

**WHEREAS,** the citizens of the Kenai Peninsula Borough have expressed safety concerns due to speeding motor vehicles on borough roads; and

**WHEREAS,** the borough is desirous of adopting laws which protect the safety and health of its residents; and

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That KPB 12.02 be adopted as follows:

**Chapter 12.02 SPEED RESTRICTIONS**

**12.02.010 Application.**

This chapter is applicable to borough-maintained roads within the Kenai Peninsula Borough's road service area.

**12.02.020 Petition.**

Borough rights-of-way subject to speed restrictions shall be established by the road service area board only upon receipt of a properly completed resident petition. Any number of borough residents may request, on a form provided by the borough road maintenance department, that a borough-maintained road be subject to speed restrictions consistent with the provisions of this chapter. The resident petition shall be submitted by staff to the board at the next meeting for which the agenda deadline has not passed with any appropriate background information including, but not limited to, maintenance history and traffic counts. Property owners adjacent to the road, or segment of road, subject to the petition shall be given written notice of the date of the board meeting at which the speed restrictions will be considered. The road shall be subjected to the proposed posted speed limit upon majority vote of the road board. Established speed limits may be altered by the board by petition consistent with state standards and speed restrictions.

**12.02.275 Basic Rule and Maximum Limits.**

A. No person may drive a vehicle at a speed greater than is reasonable and prudent considering the traffic, roadway, and weather conditions.

B. Except when a special hazard exists that requires a lower speed for compliance with (A) of this section, the limits specified in this subsection are the maximum lawful speeds throughout the state, and no person may drive a vehicle at a speed in excess of these maximum limits, unless otherwise posted:

1. 15 miles per hour in an alley;
2. 20 miles per hour in a business district;
3. 25 miles per hour in a residential district; or
4. 55 miles per hour on any other roadway.

C. The maximum speed limits set forth in (B) of this section may be altered as authorized in 13 AAC 02.280, "Alterations of Limits by State and Municipality." [Authority: 13 AAC 02.275].

#### 12.02.295 Minimum Speed Regulation.

A. No person may drive a motor vehicle so slowly as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with statutes, regulations, or ordinances.

B. When the road service area board determines under 13 AAC 02.280 that slow speeds on a highway or part of a highway unreasonably impede the normal movement of traffic, the board may determine a minimum speed limit not in excess of 55 miles per hour for that highway or part of a highway below which no person may drive a vehicle, except when necessary as prescribed in (a) of this section. The limit is effective when posted on fixed or variable signs. [Authority: 13 AAC 02.295]

#### 12.02.325 Special Speed Limitations.

A. No person may drive a motor-driven cycle when lights are required to be turned on as prescribed under 13 AAC 04.010 at a speed greater than allowed by the intensity of the headlights as provided in 13 AAC 04.320.

B. No person may drive a vehicle which is towing a mobile home at a speed greater than 45 miles per hour.

C. No person may drive a vehicle equipped with lighted headlights described in 13 AAC 04.020(g) at a speed greater than is reasonable and prudent under the conditions specified in 13 AAC 04.010.

D. No person may drive a vehicle at a speed in excess of 20 miles per hour when passing a marked public school or playground cross-walk that is posted with an official school, school crossing or speed-control sign. The speed zone at the crosswalk extends 300 feet in either direction from the marked crosswalk.

E. No person may drive a vehicle passing a school bus displaying alternately flashing yellow lights as provided in 13 AAC 04.097(b) at a speed greater than 20 miles per hour.

F. No person may drive a vehicle or a combination of vehicles over a bridge or other elevated structure or through a tunnel or underpass constituting a part of a highway, ferry facility or street at a rate of speed or with a gross weight or of a size which is greater than the maximum speed or maximum weight or size designated by an official traffic-control device. [Authority: 13 AAC 02.325]

#### 12.02.330 Racing on Highways.

A. No person may participate in a race between motor vehicles upon a public highway,

12.02.330 Racing on Highways.

A. No person may participate in a race between motor vehicles upon a public highway, except as provided in AS 05.90.001.

B. As used in this section, "race" means the use of one or more vehicles in attempting to outgain or outdistance another vehicle or while comparing or contesting relative speeds or powers of acceleration of the vehicles over a specified or unspecified distance or route, whether or not the speed exceeds the maximum prescribed by law. [Authority: 13 AAC 02.330]

12.02.335 Signage.

All roads subject to borough speed restrictions shall be posted with signage setting forth the speed restriction. Any signage shall be posted consistent with state regulation.

12.02.340 Enforcement.

The mayor may coordinate with the commissioner of public safety for enforcement of these restrictions, and may also adopt borough enforcement procedures. Penalties shall be as set forth in Alaska Administrative Rule Section 43.1 for violation of the corresponding state speed restriction set forth in Article 7 of 13 AAC 02.

12.02.345 Definitions.

Unless a term is otherwise defined by this chapter, the definitions set forth in AS 28.40.100 are applicable to the terms used in this chapter.

A. "Board" means the Kenai Peninsula road service area board.

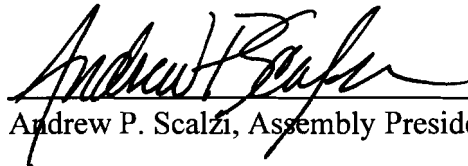
B. "Highway" means the entire width between the boundary lines of every way that is publicly maintained when part of it is open to the public for purposes of vehicular travel. [Authority: AS 28.40.100(a)(11)]

C. "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using a highway or vehicular way or area that is open for purposes of travel. [Authority: AS 28.40.100(a)(21)]

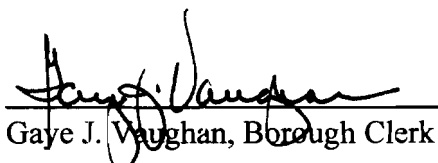
D. "Motor Vehicle" means a vehicle which is self-propelled except a vehicle manned by human or animal power. [Authority: AS 28.40.100(a)(23)]

**SECTION 2.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3rd DAY OF SEPTEMBER, 1996.**

  
Andrew P. Scalzi, Assembly President

ATTEST:

  
Gaye J. Vaughan, Borough Clerk