

Introduced by: Mayor
Date: 6/06/95
Action: Adopted as Amended
Vote: Unanimous

**KENAI PENINSULA BOROUGH
RESOLUTION 95-035**

**A RESOLUTION ADOPTING INTERIM PROCEDURES FOR SETTING PARKING,
WEIGHT AND DUST CONTROL RESTRICTIONS ON ROADS WITHIN
THE BOROUGH RIGHTS OF WAY**

WHEREAS, Ordinance 94-57 adopts provisions for regulation of parking, weight and dust control limits on borough roads within the borough rights of way; and

WHEREAS, rather than setting specific conditions that ordinance authorizes sites specific conditions or general conditions to be adopted and sent to the administration and the road maintenance service area board; and

WHEREAS, that ordinance requires the procedures for the actual setting of specific regulations to be approved by the assembly;

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

SECTION 1. The assembly adopts the following procedures and regulations containing the attached document entitled, "Regulations Governing the Imposition of Parking, Weight and Dust Control Restrictions on Roads Within Borough Rights of Way," which are incorporated herein.

**INTERIM PROCEDURES FOR ESTABLISHING WEIGHT, DUST CONTROL, AND
PARKING RESTRICTION AND REGULATIONS FOR
KENAI PENINSULA BOROUGH RIGHTS OF WAY
JUNE 1995**

The following provisions govern setting of parking, weight and dust control restrictions within borough road rights of way. These provisions govern both the enactment of general restrictions applicable to more than one road and imposition of specific site restrictions warranted by circumstances in on individual road.

I. WEIGHT PROVISIONS HAVING GENERAL APPLICABILITY

A. General weight restrictions may be imposed on all or designated groups of roads within the borough upon action by the road maintenance board. These weight restrictions may be applied between the dates of April 1 and September 30 as

determined appropriate by the road service area board. General weight restrictions shall be adopted only after 25 days have passed from the introduction of proposed restrictions to the board. Proposed provisions of a general restriction shall be published in summary form in newspapers of general circulation within the borough or within the area in which the restrictions are proposed. They shall be published at least 14 days before the proposed date of adoption of the road service area board. If the general restrictions are not applicable to all areas of the borough, the summary in the published notice shall describe the area in which the restrictions would apply.

- B. The restrictions may include provision for permits allowing loads in excess of specific weight restrictions upon agreement by the person doing the transport, post bond or provide other adequate security for any damage caused by the cost of repair occasioned by the use of vehicles in excess of the weight restrictions.
- C. In setting the restrictions under this provision the board shall consider any written comment or oral testimony received at the hearing or submitted to the board earlier.
- D. The board may modify the proposed restrictions in response to testimony that warrants adopting them.

II. SPECIFIC LOCATION WEIGHT RESTRICTIONS

- A. In addition to general restrictions there may be weight restrictions imposed upon individual roads or groups of roads based on traffic and conditions applicable to those roads. These restrictions can include, but are not limited to, specific weight limits, ceasing operation during wet weather, restrictions on the number or type of vehicles or time of day restrictions. Imposition of these may be initiated either by the road maintenance staff or by request of any resident in the effected area. Upon report of a problem the road director shall investigate the problem and impose weight restrictions to avoid damage to the road from vehicles which exceed the capacity the road to handle without damage given weather and road structure.
- B. Upon setting of any weight restrictions the road or roads shall be posted by the maintenance director and the restriction shall not go into effect until 24 hours after the posting of the road. The posting of the road shall include the weight restriction and the time of posting.
- C. Restrictions set by the director shall continue only until the next meeting of the Road Service Area Board following the posting of any signs unless extended by the Board. The board may in its discretion, after hearing any comments or testimony from the public and reports from the road maintenance staff, terminate, continue or modify the restrictions as it deems warranted under the circumstances.
- D. The director may issue permits for loads in excess of the restrictions as is provided in

Section I(B) for general weight restrictions.

III. DUST CONTROL MEASURES

- A. The road director may impose general dust control measures including speed limits to control dust from traffic on roads within borough rights of way. The dust control restrictions will only be applied to roads within the borough maintenance program. Dust control measures will not be generally applied and will be imposed only within specifically designated areas. Restrictions set by the director shall continue only until the next meeting of the Road Service Area Board following the posting of any signs unless extended by the Board. The board may in its discretion, after hearing any comments or testimony from the public and reports from the road maintenance staff, terminate, continue or modify the restrictions as it deems warranted under the circumstances.
- B. Any speed restrictions for dust control purposes shall be posted upon the affected area of the road.

IV. PARKING

- A. Parking restrictions will be established on individual need basis depending on the circumstances applicable to a particular location. Parking restrictions may be initiated by the road maintenance division staff or through a request by property owner adjacent to the area for which the restrictions are to be considered or by a person using that roadway. The setting of particular restrictions shall be by action of the road Maintenance Director or his designee after determination that a need exists for restrictions. Authorized actions can include limiting location and duration of parking and total number of vehicles allowed in an area.
- B. Parking restrictions imposed with an area shall be posted with signs stating the restriction. If the violation of the restrictions will involve towing of a vehicle the sign shall state that possibility.
- C. Restrictions in a particular area will not go into effect until 24 hours after placement of the signs imposing the restrictions. However, any provision or towing of a vehicle, violation shall not go into effect until at least 48 hours after the posting of the signs.
- D. Parking restrictions set by the director shall continue only until the next meeting of the Road Service Area Board following the posting of any signs unless extended by the Board. The board may in its discretion, after hearing any comments or testimony from the public and reports from the road maintenance staff, terminate, continue or modify the restrictions as it deems warranted under the circumstances.
- E. A schedule of civil penalties for parking violations shall be set by the Road Service Area Board. Any proposed civil penalty schedule shall be introduced at a board

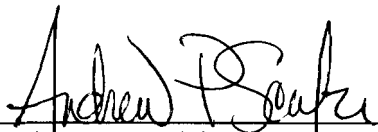
meeting and may not be adopted by the board until at least 25 days after introduction. Notice of proposed parking penalties to be acted upon by the board shall be posted in newspapers of general circulation within the borough at least 14 days before the scheduled action by the road service area board.

- F. Notice of assessment of civil penalties for parking violation may be issued to the vehicle owner by road maintenance staff or such other persons as have been authorized by the mayor to issue such notices. The designated persons need not be employees of the Kenai Peninsula Borough. Issuance may be accomplished by sending the notice to the owner of the vehicle or by placing a copy of the notice on the vehicle.

SECTION 2. That this resolution shall take effect immediately upon its adoption.

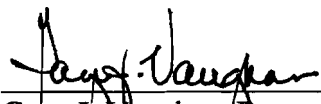
SECTION 3. Section 1 shall be automatically repealed on December 31, 1995 unless the Assembly by resolution has altered or extended that date.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 6th DAY OF JUNE, 1995.



Andrew P. Scalzi, Assembly President

ATTEST:



Gaye J. Vaughan, Borough Clerk