

## **Chapter 8.37 JUNK VEHICLES**

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**8.37.010 Definition.**

“Junk vehicle” means a motor vehicle, as that term is defined by AS 28.40.100(12), that is: (1) stripped, wrecked or otherwise inoperable due to mechanical failure, and (2) has not been repaired because of mechanical difficulties or because the cost of repairs required to make it operable exceeds the fair market value of the vehicle; provided, however, if such motor vehicle is currently registered for operation on the public roads of the city and is insured under the requirements of AS 28.22.011, then it is presumed not to be a “junk vehicle.” To meet the insurance requirement, proof of motor vehicle liability insurance or a certificate of self-insurance that complies with AS 28.20.400 must be submitted to the city manager. (Ord. 525 § 6(7), 1997; Ord. 312 § 3, 1985; Ord. 296 § 3, 1984)

**8.37.020 Junk vehicles unlawful.**

A. It is unlawful for the registered owner or other person with legal right to possession of a junk vehicle to place or allow such vehicle to remain in public view on any property, public or private, within the city for more than 10 days, the same being declared a public nuisance. It is also unlawful for the owner, tenant or other person in possession or control of any property to cause or allow a junk vehicle to be placed or remain in public view on such property for more than 10 days.

B. Notwithstanding the provisions of subsection (A) of this section, if the city manager has reasonable grounds to believe that repairs can be made to render a junk vehicle operable, that the registered owner or other person entitled to possession of the vehicle is willing to undertake or have performed such repairs, that the vehicle does not pose any health or safety hazard, and that there is no reasonable means for removing the vehicle from public view while repairs are being performed, the city manager may authorize a period of no more than 30 days for the performance of such repairs. In no case, however, may this section be construed as authorizing the operation of a junkyard or other salvage or repair business where other requirements of the law have not been met. (Ord. 296 § 3, 1984)

### **8.37.030 Disposition of junk vehicles.**

A. Upon observation of what appears to be a junk vehicle, the city manager shall give written notice by personal service or certified mail to: (1) any or all offenders described in PMC 8.37.020(A); and (2) to any or all lienholders of record, as well as notice affixed to the vehicle. Notice affixed to the vehicle shall suffice for subsequent action if none of the offenders described in PMC 8.37.020(A) can be located and served within the 10-day period. The notice shall contain:

1. The street address and other information sufficient to identify the location of the vehicle;
2. A statement that the vehicle constitutes a public nuisance and a copy or summary of the relevant code sections;
3. A statement that if the vehicle is not removed from public view within 10 days from issuance of the notice, the city may impound and sell or destroy the vehicle at the offender's expense; and
4. A statement that if the offender can show ability and willingness to make the repairs necessary to convert the junk vehicle into an operable vehicle, application may be made at any time before the 10 days have expired for a 30-day waiver to make the necessary repairs.

B. Upon expiration of the 10-day, or 30-day period where relevant, the city manager may impound a junk vehicle and sell it at public auction pursuant to the notice provisions of PMC 8.37.040 or may have the vehicle privately sold, crushed or otherwise destroyed without further notice. If a vehicle is destroyed, the city manager will notify the Alaska Department of Public Safety. (Ord. 296 § 3, 1984)

### **8.37.040 Disposal of junk vehicles.**

Upon satisfaction of the notice requirements of this chapter, a vehicle may be disposed of by public auction 20 days after notice of the auction is published in a newspaper of general circulation in the city. A notice shall describe the vehicle and specify the place, date and time at which it will be sold. A copy of the notice of auction will be sent to the state of Alaska, Department of Public Safety. (Ord. 296 § 3, 1984)

### **8.37.050 Recovery of costs.**

The costs of impounding, storing, selling and destroying junk vehicles may be charged or assessed by the city against the vehicle, the registered owner of the vehicle, any person who has acquired legal title to the vehicle from or through the registered owner and any person who has violated PMC 8.37.020(A). (Ord. 296 § 3, 1984)

### **8.37.060 Opportunity for hearing.**

A person subject to liability under this chapter including any person described in PMC 8.37.020(A) and an owner or any lienholder of a junk vehicle or vehicle appearing to be a junk vehicle, before or after impoundment, shall be entitled to an administrative hearing prior to sale or destruction provided such is demanded in a signed writing delivered to the city manager in a timely fashion at least 48 hours before the sale or destruction. Hearings shall be informal and technical rules of evidence do not apply. A person who requests a hearing may retain an attorney if he desires. The city manager may appoint a hearing officer. Proceedings of the hearing shall be recorded. The city manager/hearing officer

shall state on the record the reasons for the decision and indicate the evidence relied on. (Ord. 296 § 3, 1984)

**8.37.070 Redemption.**

A person who presents satisfactory proof of right to possession of the junk vehicle may redeem the vehicle removed under this chapter at any time before auction sale or destruction of the vehicle, by paying the charges of towing, storage, notice, other costs of impoundment and any applicable penalty imposed by law. (Ord. 296 § 3, 1984)

**8.37.080 Other rights preserved.**

Nothing in this chapter shall be construed as limiting the right of any person to operate a lawful junk or storage yard. (Ord. 296 § 3, 1984)