# Chapter 18.20 Abandoned and Junk Vehicles

Sections:

18.20.010 Definitions
18.20.015 Storing, parking or leaving abandoned or junked vehicles prohibited and declared nuisance; exceptions
18.20.020 Responsibility for removal.
18.20.025 Notice to remove; notice procedure.
18.20.030 Content of notice to remove.
18.20.035 Procedure for hearing.
18.20.040 Removal of vehicle.
18.20.045 Notice of removal.
18.20.050 Vesting of title.
18.20.055 Redemption of impounded vehicles.
18.20.060 Disposition of vehicles.
18.20.065 Public auction.
18.20.070 Liability for removal.
18.20.075 Lien for expense of removal.
18.20.080 Waiver of claims for damages.
18.20.085 Other impound provisions.
18.20.090 Penalty

18.20.010 Definitions. For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
a. "Vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor-bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, and all terrain vehicles.
b. "Abandoned vehicle" is any vehicle, as defined by subsection (a), that has been discarded, left unattended, standing or parked upon or within 10 feet of the traveled portion of a highway or street, in excess of 48 hours; or that has been discarded, left unattended, standing or parked upon private property without the consent of the owner or person in charge of the property in excess of 24 hours; or that has been discarded, left unattended, standing or parked upon public property without the consent of the person in charge of the property for more than 30 days.
c. "Junked vehicle" is any vehicle, as defined by subsection (a), that does not have lawfully affixed thereto an unexpired license plate or plates or registration decal, if required by law for operation, and the condition of which is wrecked, dismantled, partially dismantled or inoperative, whether abandoned or not.
d. "Private property" shall mean any real property within the City that is privately owned and is not public property as defined in this section.
e. "Public property" shall mean any street or highway, which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility. (Ord. 95-14 (part), 1995; Ord. 88-7, 1988; Ord. 85-41 (part), 1985).

18.20.015 Storing, parking or leaving abandoned or junked vehicles prohibited and declared nuisance; exceptions.
a. No person shall park, store, leave, or permit the parking, storing or leaving of any abandoned vehicle upon any public or private property within the City for any period of time in excess of periods specified in 18.20.010(b). The presence of an abandoned vehicle, or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this Chapter.
b. No person shall park, store, leave, or permit the parking, storing or leaving of any junked vehicle upon any public or private property within the City for a period of time in excess of 72 hours. The presence of a junked vehicle, or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter.
c. This section shall not apply to any vehicle (i) enclosed within in a building on private property, (ii) enclosed within

a fence that prevents the vehicle from being seen from neighboring properties and public streets or highways, or (iii) held in connection with a business enterprise, conducted and licensed in accordance with any applicable laws and regulations and properly operated in the appropriate business zone, pursuant to the zoning laws of the City when the keeping of such vehicle is necessary to the conduct of such business enterprise. (Ord. 95-14 (part), 1995).

18.20.020 Responsibility for removal. Upon proper notice and opportunity to be heard, the owner of the abandoned or junked vehicle and the owner or occupant of the private property on which the same is located, or any or all of them, shall be responsible for its removal. (Ord. 95-14 (part), 1995; Ord. 85-41).

18.20.025 Notice to remove; notice procedure. a. Unless immediate action in removing an abandoned or junked vehicle is necessary for the protection of the health, safety or welfare of the public, a written notice to remove as prescribed in 18.20.030 shall be served upon any owner and leinholder of record and any person known to be lawfully entitled to possession of the abandoned or junked vehicle, and upon the owner and occupant of the land where the vehicle is located, before the vehicle may be removed by the City as specified in this Chapter. If immediate action is required under this section and an opportunity for a hearing cannot be afforded prior to removal of the vehicle, the vehicle may be removed pursuant to 18.20.040 and a written notice of removal shall be given as prescribed in 18.20.045.
b. The Chief of Police or his designee shall give notice to remove to any owner and leinholder of record and any person known to be lawfully entitled to possession of the vehicle, and to the owner or occupant of the private property where the vehicle is located, at least 10 days before the time of removal. Notice shall be given either by personal delivery or by registered or certified mail, return receipt requested, to any owner and leinholder of record and any person known to be lawfully entitled to possession of the vehicle, and to the owner or occupant of the private property at his last known address. If the name and address of the owner and leinholder of the vehicle cannot be ascertained it shall constitute sufficient notice when a copy of same is affixed to the vehicle and duplicate copies are served either personally or by certified or registered mail, return receipt requested, on the owner or occupant of the private property on which the vehicle is located.
c. The giving of notice by mail is considered complete upon return of the receipt or upon return of the notice as undeliverable, refused or unclaimed. Proof of the giving of notice in either manner may be made by the affidavit of the person giving the notice by personal delivery or by mail, naming the person to whom notice was given and specifying the time, place and manner of giving the notice. (Ord. 95-14 (part), 1995).

18.20.030 Content of notice to remove. The notice to remove shall state the grounds for removal and contain a request for removal within 10 days after service of the notice. The notice shall advise that upon failure to comply with the notice to remove, the City or its designee shall undertake such removal with cost of removal to be levied against the owner of the abandoned or junked vehicle and the owner or occupant of the private property on which the same is located, either or all of them. The notice shall inform the person to be notified that he may request a hearing before the City Council or its designee within 10 days after service of the notice in order to contest the grounds for removal. (Ord. 95-14 (part), 1995; Ord. 85-41, 1995).

18.20.035 Procedure for hearing. The city council or its designee shall hold a hearing not more than 10 days after a timely request for the hearing. At any such hearing the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary. formal rules of evidence will not apply. If there is no timely request for a hearing, the hearing is deemed waived. (Ord. 95-14 (part), 1995).

18.20.040 Removal of vehicle. If immediate action in removing an abandoned or junked vehicle is necessary for the protection of the health, safety or welfare of the public, or if the violation described in the notice to remove has not been remedied within 10 days after service of notice, or in the event that a hearing is timely requested, a hearing is had, and the existence of the violation is affirmed by the City Council or its designee, the Chief of Police or his designee is authorized to remove or have removed to a place for storage any abandoned or junked vehicle which reasonably appears to be in violation of this chapter. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with this Chapter. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this Chapter. (Ord. 95-14 (part), 1995; Ord. 85-41 (part), 1985).

18.20.045 Notice of removal. Within 48 hours of the removal of such vehicle, the Chief of Police shall give a written notice of removal to the registered owner and leinholder of record of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle has been impounded and stored for violation of this Chapter. The notice shall give the location of where the vehicle is stored, state the costs

incurred by the City for removal, and advise that such vehicle shall be disposed of if unclaimed within 30 days after notice of removal is given. The notice of removal shall be given in the manner prescribed in 18.20.025(b). If abandoned or junked vehicle is not registered in the state, or if the name and address of the owner and leinholder cannot be ascertained, notice of removal shall be published four times during four consecutive calendar weeks, once in each week, in a newspaper of general circulation within the City. (Ord. 95-14(part), 1995).

18.20.050 Vesting of title. Title to an impounded vehicle not reclaimed by the registered owner, a leinholder or other person entitled to possession within 30 days from the notice of removal vests with the City. (Ord. 95-14(part), 1995; Ord. 85-41 (part), 1985).

18.20.055 Redemption of impounded vehicles. The owner of any vehicle removed under the provisions of this Chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the City of such sum as the City Manager may determine and fix for the actual and reasonable expense of removal and storage, including any notice, advertising and sale expenses. The City Council may, by Resolution, fix a daily fee for storage of vehicles in a City facility. (Ord. 95-14(part), 1995).

18.20.060 Disposition of vehicles. a. Within 10 days after removal of a vehicle under this Chapter, the Chief of Police shall make a reasonable good-faith estimate of the value of such vehicle.
b. If the Chief of Police determines that the vehicle is scrapped, dismantled or destroyed beyond repair, or if the Chief of Police determines that the vehicle no longer has significant value due to the age and condition of the vehicle, the Chief of Police shall execute an affidavit so attesting. Upon satisfaction of the notice requirements set forth in this Chapter, the Chief of Police may summarily dispose of the vehicle by destruction at the expiration of the 30 day period required by 18.20.045. The City shall designate appropriate areas within it jurisdiction for the disposal of abandoned or junked vehicles.
c. If the vehicle reasonably appears to be valued at over $150, the City Manager shall, upon expiration of the 30-day period required by 18.20.045, give notice that the vehicle will be sold at public auction. The notice of public auction shall be given not less than 20 days before the date of the proposed sale and shall be accomplished by publication in a newspaper of general circulation within the area in which the vehicle was found. The notice of public auction shall describe the vehicle, including make, model, license or decal number and any other information that will accurately identify the vehicle, and specify the date, time and place of the sale. A copy of the notice of public auction shall be conveyed to the Department of Public Safety. (Ord. 95-14 (part), 1995; Ord. 85-41 (part), 1985).

18.20.065 Public auction. A vehicle sold at public auction shall be sold to the highest and best bidder. At the time of payment of the purchase price, the City Manager or his designee shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser and the copy thereof to be filed with the City Clerk. The purchaser shall be solely responsible for complying with all necessary title and registration requirements imposed by law, including compliance with 13 AAC 70.050. Should the sale for any reason be invalid, the City's liability shall be limited to the return of the purchase price. (Ord. 95-14(part), 1995).

18.20.070 Liability for removal. In the event of removal and disposition by the City, the owner of the abandoned or junked vehicle and the owner or occupant of the private property on which the same is located, or any or all of them, shall be liable for the expenses incurred. The City may maintain a personal action against the owner of the vehicle, the owner or occupant of the property, or any or all of them for the amount of such expenses. (Ord. 95-14 (part), 1995; Ord. 85-41 (part), 1985).

18.20.075 Lien for expense of removal. Upon the failure of the owner or occupant of property from which abandoned or junked vehicles have been removed by the City to pay the unrecovered expenses incurred by the City in such removal, a lien may be placed upon such property for the amount of such expenses. (Ord. 95-14 (part), 1995).

18.20.080 Waiver of claims for damages. An owner of abandoned or junked vehicle waives all claims for damage to the vehicle that may result from actions taken pursuant to this Chapter. Such damage includes, but is not limited to, accidental damage or destruction occasioned by removal, transport, storage, and acts of third parties. (Ord. 95-14 (part), 1995; Ord. 85-41 (part), 1985).

18.20.085 Other impound provisions. Nothing in this Chapter shall be construed to limit the City's authority to impound vehicles for authorized reasons under other provisions of law. (Ord. 95-14 (part), 1995).

18.20.090 Penalty. Every act prohibited by this chapter is unlawful. Any person found guilty of violating any of the provisions of this chapter shall be punished under the general penalty provisions of this code. (Ord. 95-14 (part), 1995; Ord. 85-41 (part), 1985).

[i] Prior Ordinance history: Ord. 95-14 repealed and reenacted Chapter 18.20, 1995; Ord. 88-7; Ord. 85-41.

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