

CITY OF THORNE BAY  
ORDINANCE 19-07-02-02

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING TITLE  
10-VEHICLES AND TRAFFIC, ADDING CHAPTER 10.22-JUNK VEHICLES

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY ALASKA;

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. Amending Title 10-Vehicles and Traffic, Chapters 10.12-Impoundment, 10.16-Traffic Control Enforcement, 10.20-Parking Standing and Stopping, adding Chapter 10.22-Junk Vehicles, is here by amended and added to the Thorne Bay Municipal Code as set forth on pages 2 through 27.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED: July 2, 2019

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Harvey McDonald, Mayor

ATTEST:

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Teri Feibel, CMC

[Introduction Hearing: June 18, 2019]

[Public Hearing: July 2, 2019]

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**ADDITIONS ARE IN BLUE AND CAPITALIZED**

**Deletions are stricken**

TITLE 10 - VEHICLES AND TRAFFIC  
ADDING CHAPTER 10.22 JUNK VEHICLES

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THE FOLLOWING CHAPTER AND SECTIONS ARE HEREBY ADDED TO THE THORNE BAY MUNICIPAL CODE AS WRITTEN:

**CHAPTER 10.22 JUNK VEHICLES**

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- 10.22.010 DEFINITION.
- 10.22.020 JUNK VEHICLES UNLAWFUL.
- 10.22.030 DISPOSITION OF JUNK VEHICLES.
- 10.22.040 DISPOSAL OF JUNK VEHICLES.
- 10.22.050 RECOVERY OF COSTS.
- 10.22.060 OPPORTUNITY FOR HEARING.
- 10.22.070 REDEMPTION.
- 10.22.080 OTHER RIGHTS PRESERVED.

**10.22.10 DEFINITION.**

“JUNK VEHICLE” MEANS A MOTOR VEHICLE THAT:

- A. IS NOT CURRENTLY REGISTERED UNDER AS 28.10, EXCEPT FOR A VEHICLE NOT CURRENTLY REGISTERED UNDER AS 28.10 AND USED EXCLUSIVELY FOR COMPETITIVE RACING;
- B. IS STRIPPED, WRECKED, OR OTHERWISE INOPERABLE DUE TO MECHANICAL FAILURE;
- C. 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;  
OR
- D. IS IN A CONDITION THAT EXHIBITS MORE THAN ONE OF THE FOLLOWING ELEMENTS:
  - 1. BROKEN GLASS;
  - 2. MISSING WHEELS OR TIRES;
  - 3. MISSING BODY PANELS OR PARTS; OR
  - 4. MISSING DRIVE TRAIN PARTS.

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#### 10.22.020 JUNK VEHICLES UNLAWFUL.

- A. IT IS UNLAWFUL FOR THE OWNER OF RECORD 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.
- B. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, IF THE CITY ADMINISTRATOR HAS REASONABLE GROUNDS TO BELIEVE THAT REPAIRS CAN BE MADE TO RENDER A JUNK VEHICLE OPERABLE, THAT THE OWNER OF RECORD 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 ADMINISTRATOR 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.
- C. ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER IS GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN THE TBMC 1.16.035 FINE SCHEDULE IF THE OFFENSE IS LISTED IN THAT FINE SCHEDULE OR BY A FINE OF UP TO \$500.00 IF THE OFFENSE IS NOT LISTED IN THE TBMC 1.16.035 FINE SCHEDULE.

#### 10.22.030 DISPOSITION OF JUNK VEHICLES.

UPON OBSERVATION OF WHAT APPEARS TO BE A JUNK VEHICLE, THE THORNE BAY CHIEF OF POLICE, VPSO OR CODE ENFORCEMENT OFFICER SHALL GIVE WRITTEN NOTICE BY PERSONAL DELIVERY OR BY REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE OWNER OF RECORD AND ANY AND ALL OFFENDERS DESCRIBED IN TBMC 1.16.035 AND ANY AND ALL LIENHOLDERS OF RECORD. IN ADDITION, THE VPSO OR CODE ENFORCEMENT OFFICER, SHALL AFFIX A NOTICE TO THE VEHICLE.

1. THE WRITTEN NOTICE REQUIRED TO BE DELIVERED PERSONALLY OR MAILED SHALL CONTAIN THE FOLLOWING:
2. THE STREET ADDRESS AND OTHER INFORMATION SUFFICIENT TO IDENTIFY THE LOCATION OF THE VEHICLE;
3. A STATEMENT AS TO THE CONDITION OF THE VEHICLE IDENTIFYING DEFECTS, WHICH RENDER IT A JUNKED VEHICLE;

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4. A STATEMENT THAT THE VEHICLE CONSTITUTES A PUBLIC NUISANCE, AND A COPY OR SUMMARY OF RELEVANT CODE SECTIONS;
  5. A STATEMENT THAT IF THE VEHICLE IS NOT REMOVED FROM PUBLIC VIEW WITHIN 10 DAYS FROM RECEIPT OF THE WRITTEN NOTICE, THE CITY MAY IMPOUND AND SELL OR DESTROY THE VEHICLE AT THE OFFENDER'S EXPENSE;
  6. A STATEMENT THAT IF THE OFFENDER CAN SHOW ABILITY AND WILLINGNESS TO MAKE THE REPAIRS NECESSARY TO CONVERT THE JUNK VEHICLE TO AN OPERABLE VEHICLE, APPLICATION MAY BE MADE TO THE CITY ADMINISTRATOR AT ANY TIME BEFORE THE 10 DAYS FROM RECEIPT OF THE NOTICE HAVE EXPIRED FOR A 30-DAY WAIVER TO MAKE THE NECESSARY REPAIRS; AND
  7. A STATEMENT THAT THE OWNER OF RECORD OR LIENHOLDER OF RECORD AND PERSONS KNOWN TO BE LAWFULLY ENTITLED TO POSSESSION OF THE VEHICLE HAVE A RIGHT TO REQUEST AN ADMINISTRATIVE HEARING TO CONTEST THE VALIDITY OF THE CITY'S ACTION TO BE HELD IN ACCORDANCE WITH TBMC 10.22.060, PROVIDED A REQUEST FOR A HEARING IS MADE IN WRITING, SIGNED BY THE REQUESTOR, AND RECEIVED BY THE CITY ADMINISTRATOR BEFORE THE EXPIRATION OF 10 DAYS AFTER RECEIPT OF THE NOTICE.

C. IF THE NAME AND ADDRESS OF THE OWNER OF RECORD OR A LIENHOLDER OF RECORD CANNOT BE ASCERTAINED, THE WRITTEN NOTICE SHALL BE GIVEN BY PUBLICATION IN THE LOCAL NEWSPAPER, TO BE PUBLISHED ONCE A WEEK FOR TWO CONSECUTIVE WEEKS.

D. WRITTEN NOTICE BY MAIL IS COMPLETE UPON THE RETURN OF THE RECEIPT OR UPON RETURN OF THE NOTICE AS UNDELIVERABLE, REFUSED, OR UNCLAIMED. PROOF OF GIVING THE NOTICE BY PERSONAL DELIVERY OR BY MAIL MAY BE MADE BY THE AFFIDAVIT OF THE PERSON GIVING NOTICE NAMING THE PERSON TO WHOM NOTICE WAS GIVEN AND SPECIFYING THE TIME, PLACE, AND MANNER OF GIVING THE NOTICE.

#### 10.22.040 DISPOSAL OF JUNK VEHICLES.

- A. UPON EXPIRATION OF 10 DAYS AFTER RECEIPT OF THE WRITTEN NOTICE BY MAIL OR PERSONAL DELIVERY, OR UPON COMPLETION OF NOTICE BY PUBLICATION, OR UPON EXPIRATION OF THE 30-DAY PERIOD FOR REPAIRS IF GRANTED, THE CITY ADMINISTRATOR MAY IMPOUND A JUNK VEHICLE AND TAKE STEPS AS PROVIDED IN THIS SECTION TO SELL IT AT PUBLIC AUCTION, OR HAVE THE VEHICLE DESTROYED.
- B. UPON IMPOUNDMENT OF A JUNK VEHICLE, THE CITY ADMINISTRATOR SHALL, WITHIN 30 DAYS, GIVE WRITTEN NOTICE TO THE OWNER OF RECORD AND TO LIENHOLDERS OF RECORD, STATING THE GROUNDS FOR REMOVAL AND THE LOCATION OF THE PLACE OF IMPOUNDMENT OF THE VEHICLE.

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1. THE NOTICE SHALL INCLUDE A STATEMENT THAT THE OWNER OF RECORD OR LIENHOLDER OF RECORD AND PERSONS KNOWN TO BE LAWFULLY ENTITLED TO POSSESSION OF THE VEHICLE HAVE A RIGHT TO REQUEST AN ADMINISTRATIVE HEARING TO CONTEST THE VALIDITY OF THE CITY'S ACTION TO BE HELD IN ACCORDANCE WITH TBMC 1.16.035, PROVIDED A REQUEST FOR A HEARING IS MADE IN WRITING, SIGNED BY THE REQUESTOR, AND RECEIVED BY THE CITY ADMINISTRATOR BEFORE THE EXPIRATION OF 10 DAYS AFTER RECEIPT OF THE NOTICE.
  2. THE WRITTEN NOTICE SHALL BE GIVEN BY PERSONAL DELIVERY TO THE PERSON TO BE NOTIFIED OR BY REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED, ADDRESSED TO THE PERSON TO BE NOTIFIED. IF THE NAME AND ADDRESS OF THE OWNER OF RECORD OR A LIENHOLDER OF RECORD CANNOT BE ASCERTAINED, NOTICE SHALL BE GIVEN BY PUBLICATION IN THE LOCAL NEWSPAPER, TO BE PUBLISHED ONCE A WEEK FOR TWO CONSECUTIVE WEEKS.
  3. WRITTEN NOTICE BY MAIL IS COMPLETE UPON THE RETURN OF THE RECEIPT OR UPON RETURN OF THE NOTICE AS UNDELIVERABLE, REFUSED, OR UNCLAIMED. PROOF OF GIVING THE NOTICE BY PERSONAL DELIVERY OR BY MAIL MAY BE MADE BY THE AFFIDAVIT OF THE PERSON GIVING NOTICE NAMING THE PERSON TO WHOM NOTICE WAS GIVEN AND SPECIFYING THE TIME, PLACE, AND MANNER OF GIVING THE NOTICE.
- C. UPON SATISFACTION OF THE NOTICE REQUIREMENTS OF THIS SECTION, AN IMPOUNDED JUNK VEHICLE MAY BE DISPOSED OF AS FOLLOWS:
1. BY REMOVAL TO A SCRAP PROCESSING CENTER, BY CRUSHING, OR BY BEING OTHERWISE DESTROYED, WITHOUT FURTHER NOTICE; OR
  2. BY PUBLIC AUCTION TO BE HELD AT LEAST 20 DAYS AFTER NOTICE OF THE AUCTION IS PUBLISHED IN THE LOCAL NEWSPAPER. THE NOTICE OF AUCTION MUST 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 ALASKA DEPARTMENT OF PUBLIC SAFETY.

#### 10.22.050 RECOVERY OF COSTS.

THE COSTS OF IMPOUNDING, STORING, NOTICE, SELLING, AND DESTROYING OF A JUNK VEHICLE MAY BE CHARGED OR ASSESSED BY THE CITY AGAINST THE VEHICLE, THE OWNER OF RECORD OF THE VEHICLE, ANY PERSON WHO HAS ACQUIRED LEGAL TITLE TO THE VEHICLE FROM OR THROUGH THE OWNER OF RECORD, AND ANY PERSON WHO HAS VIOLATED TBMC.10.22.020 JUNK VEHICLES UNLAWFUL (A).

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#### 10.22.060 OPPORTUNITY FOR HEARING.

THE OWNER OF RECORD OR LIENHOLDER OF RECORD OF THE VEHICLE AND PERSONS KNOWN TO BE LAWFULLY ENTITLED TO POSSESSION OF THE VEHICLE HAVE A RIGHT TO REQUEST AN ADMINISTRATIVE HEARING TO CONTEST THE VALIDITY OF THE CITY'S ACTION WITH REGARD TO THE VEHICLE UNDER THIS CHAPTER, BEFORE OR AFTER IMPOUNDMENT, PROVIDED THE REQUEST FOR A HEARING IS MADE BY SUCH PERSON IN WRITING RECEIVED BY THE CITY ADMINISTRATOR WITHIN THE TIME PERIOD FOR MAKING SUCH REQUEST AS SET OUT IN THE WRITTEN NOTICE OF THE ACTION AT ISSUE.

- A. HEARINGS SHALL BE INFORMAL AND TECHNICAL RULES OF EVIDENCE DO NOT APPLY.
- B. THE CITY ADMINISTRATOR MAY APPOINT A HEARING OFFICER. PROCEEDINGS OF THE HEARING SHALL BE RECORDED.
- C. THE CITY ADMINISTRATOR OR HEARING OFFICER, AS APPLICABLE, SHALL STATE ON THE RECORD THE REASONS FOR THE DECISION AND INDICATE THE EVIDENCE RELIED ON.

#### 10.22.070 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.

#### 10.22.080 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.