Presented by: The Manager
Presented: 01/27/2025
Drafted by: Law Department

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2025-07

An Ordinance Amending the Procedures and Requirements Related to Abandoned, Junked, Wrecked, and Impounded Vehicles.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Application. This ordinance shall apply to all vehicles under impound status as of the date of passage.

Section 3. Repeal of Chapter. Chapter 72.22, Penalties and arrests, is repealed in its entirety.

~~**Chapter 72.22 REPEALED PENALTIES AND ARRESTS**~~

72.22.010 Repealed. ~~**Penalties.**~~

~~Unless another penalty is expressly provided, every person convicted of a violation of this title is guilty of an infraction, punishable by a fine not to exceed $300.00.~~

~~(CBJ Code 1970, § 72.22.010; Serial No. 71-59, § 4, 1971; Serial No. 84-80, § 3, 1984; Serial No. 85-56, § 68, 1985)~~

~~**State law reference(s)** Penalties for violations of law, regulations and municipal ordinances, AS 28.40.050.~~

72.22.045 Repealed. ~~**Reserved.**~~

~~Serial No. 2024-09(b), § 4, adopted July 29, 2024, effective August 28, 2024, repealed § 72.14.045, which pertained to traffic citation on illegally parked vehicle and derived from CBJ Code 1970, § 72.22.045; Serial No. 71-59, § 4, adopted 1971.~~

72.22.060 Repealed. ~~Authority to impound vehicles; redemption or sale; presumption of abandonment.~~

~~(a) Whenever any vehicle is located or is standing upon any street or alley or right-of-way in violation of the provisions of this title or any rule or regulation adopted thereto, or whenever any vehicle is found to be mechanically unsafe to operate upon any street or alley or right-of-way, or whenever the driver is arrested for an offense involving either driving under the influence of intoxicating liquor or hypnotic or narcotic drugs, reckless driving, negligent driving or any felony, such vehicle may be removed from the City and Borough streets or alleys and may be impounded at a place to be designated by the chief of police. The police shall, in the proper case and whenever any other provision of this title is violated, cause a complaint to be filed against the person committing such offense. When the owner or authorized representative of the owner of the vehicle claims the same, he or she shall be informed of the nature of the circumstances causing the impoundment of such vehicle and to obtain release thereof shall pay all towing, impoundment and storage charges. Such fees may be established, changed or abolished by the assembly by resolution. If the operator or owner of the vehicle, upon hearing before the municipal judge, is found not guilty of the violation of which he or she is charged, the impounded vehicle shall be released immediately to the owner without collection of fees or other charges, or if such person found not guilty has already paid impoundment towing or storage charges, the court may order the City and Borough to refund part or all of such fees or charges. If the owner or operator of such vehicle is found guilty, any fine imposed under the provisions of the appropriate section of this title shall be in addition to the towing, impounding and storage charges herein prescribed in this section.~~

~~(b) No person shall allow, permit or suffer any vehicle registered in that person's name to stand or park upon or be operated upon any street in this City and Borough in violation of this title or any rule or regulation adopted or issued pursuant thereto.~~

~~(c) Whenever an officer removes or has removed a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and~~

~~the reasons therefor and of the place to which such vehicle has been removed. If any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.~~

~~(d) After a vehicle has been impounded for more than ten days, the chief of police shall cause to be sent by registered mail a notice to the owner and any lienholder thereof, if after the exercise of due diligence the owner's or lienholder's name can be ascertained. The notice shall accurately describe the vehicle, give the date the vehicle was impounded, and inform the owner that unless the owner reclaims the vehicle within ten days from the dispatch thereof, the vehicle shall be sold. Not less than 15 days after the dispatch of the letter, if the letter can be sent, and in any event if such letter cannot be sent, the chief of police shall cause to be posted in three public places in the City and Borough a description of the vehicle, the owner's name, if known, and state the facts that the vehicle and other similar vehicles similarly described will be sold at public auction to the highest responsible bidder at a public sale under the direction of the chief of police or a contractor at a specified time and place, not less than ten days after the publication of the notice of sale. The chief of police shall keep a permanent accurate record of all vehicles impounded containing the date of impoundment, description of the vehicle, cause for which impounded, date of redemption if redeemed, an amount paid upon redemption, date of letter to owner if known, notice of sale, record of sale and the price paid at sale and the name of the purchaser.~~

~~(e) If the highest bid at public auction shall not be equal to or greater than the towing and storage charges, the City and Borough may reject the bid and attempt to sell the vehicle at subsequent public auction or negotiate for private sale; provided, however, the price obtained at private sale must be equal to or greater than the highest bid at public auction.~~

~~(f) The proceeds of a sale of any impounded vehicle shall be applied first against any and all costs of the City and Borough involved in towing, impounding and storing the vehicle, and in conducting any sale thereof, with any remaining proceeds paid first to the lienholder if known, to the extent of the lienholder's interest if any, then to the owner if known, or if unknown into the operating fund of the police department.~~

~~(g) Notwithstanding any other provisions of this section, whenever any vehicle located or standing upon any street or alley or right-of-way is or has been involved in an accident resulting in personal injury or property damage in an amount of $500.00 or more as judged by a police officer, such vehicle may be removed from the streets and impounded by the police department for a period not to exceed five days for the purpose of having the vehicle inspected by a competent mechanic to determine whether the vehicle is mechanically safe. The expense of this type of inspection impoundment shall be borne by the City and Borough.~~

~~(h) If a vehicle qualifies for impound, the manager, the manager's designee, or an employee of the Juneau Police Department may impound a vehicle in place and proceed with the notice and disposal process.~~

~~(CBJ Code 1970, § 72.22.060; Serial No. 71-59, § 4, 1971; Serial No. 2000-20, § 5, 6-5-2000; Serial No. 2023-38, § 2, 11-13-2023, eff. 12-14-2023)~~

~~**State Law reference** — Abandoned vehicles, AS 28.11.010 et seq.; forfeiture of vehicle or aircraft, AS 28.35.036 et seq.~~

72.22.063 Repealed. ~~Vehicle immobilization.~~

~~(a) The chief of police may, subject to the limitations contained in this section, authorize the immobilization of any motor vehicle by the use of a vehicle immobilization device which, when attached to the wheel or other part of a motor vehicle, prevents that vehicle from being driven.~~

~~(b) No vehicle may be immobilized pursuant to this section unless there has been affixed to that or any other vehicle owned by the same person, or that person has otherwise been issued, at least two municipal parking citations and has, with respect to each such citation, failed, within the time permitted by law, to:~~

~~(1) Post or forfeit the bail specified for that offense; or~~

~~(2) Appear and answer to the charge.~~

~~(c) The owner or operator of a vehicle immobilized pursuant to this section may obtain its release by:~~

~~(1) Posting bail for each of the parking citations outstanding against the owner; and~~

~~(2) Paying the release service fee established by the chief of police.~~

~~(d) A vehicle immobilized pursuant to this section may not be the subject of further parking citations during the period of immobilization.~~

~~(e) If a vehicle immobilized pursuant to this section is not released within 24 hours, it may be impounded and shall thereafter be released only upon the posting of bail and payment of the service fee required under subsection (c) of this section and compliance by the owner or operator with section 72.22.060.~~

~~It is unlawful for a person to purposely or recklessly and without authority tamper with, remove, attempt to remove, damage or deface any vehicle immobilization device attached to any vehicle.~~

~~(Serial No. 80-13, § 2, 1980; Serial No. 81-13, § 2, 1981)~~

72.22.065 Repealed. ~~Authority to effect regulations.~~

~~The chief of police is hereby empowered, with approval of the assembly, to make all necessary regulations pursuant to CBJ chapter 01.60 to affect all provisions of this title.~~

~~(CBJ Code 1970, § 72.22.065; Serial No. 71-59, § 4, 1971)~~

Section 4. Amendment of Chapter. Chapter 72.23, Impoundment or forfeiture of motor vehicles involved in driving offenses, is renamed and amended by adding new sections to read:

Chapter 72.23 IMPOUNDMENT, IMMOBILIZATION, REMOVAL, AND DISPOSAL OF VEHICLES ~~IMPOUNDMENT OR FORFEITURE OF MOTOR VEHICLES INVOLVED IN DRIVING OFFENSES~~

72.23.010 Authority and presumptions.

(a) *Authority.*

(1) No person may stop, park, or leave standing a vehicle in violation of statute, ordinance, or regulation.

(2) No person may deposit or maintain an abandoned, junked, or wrecked vehicle on any street, sidewalk, recreation area, open space, or other public property, or on any private property other than permitted in a lawful junkyard pursuant to Title 49 of this Code.

(3) If a vehicle qualifies for impound, the manager, the manager's designee, or a police officer of the Juneau Police Department may choose to impound the vehicle in place or impound and remove the vehicle to a storage yard.

(4) A vehicle used in an impoundment driving offense or crime may be impounded and removed, impounded in place, or immobilized through a seizure of the vehicle incident to an arrest or citation.

(5) A police officer may not stop a vehicle for the sole purpose of determining whether the driver is properly licensed.

(6) The disposal process for vehicles will comply with AS 28.11.040 and AS 28.11.070.

(b) *Presumption of abandonment.*

(1) A vehicle registered or titled that reasonably appears to have been left unattended, standing, parked upon or within 10 feet of the traveled portion of a highway or vehicular way or area in excess of 48 hours, or a vehicle that reasonably appears to have been left standing or parked on private property in excess of 24 hours or upon other public property for more than 30 days and without the consent of the owner or person in charge of the property is presumed abandoned.

(2) A wrecked or junked vehicle that reasonably appears to have been left unattended, standing, parked upon or within 10 feet of the traveled portion of a highway or vehicular way or area in excess of 24 hours, or a wrecked or junked vehicle that reasonably appears to have been left standing or parked on private property or other public property in excess of 24 hours and without the consent of the owner or person in charge of the property is presumed abandoned.

(c) *Presumption of ownership.* A vehicle deposited in any place in violation of code is considered to have been so deposited by the last registered owner of the vehicle unless the last registered owner has filed a notice of transfer or assignment in accordance with AS 28.10.271, in which case proof of the filing of the notice shall constitute prima facie evidence that the transferee named in the notice was the person who deposited the junked or abandoned vehicle in violation of this section.

(d) *Presumption in driving offense cases.* It shall be presumed that a vehicle operated by, driven by, or in the physical control of an individual arrested for or charged with a driving offense is being operated by either the vehicle's registered owner or is being operated by another person with the knowledge and consent of the registered owner.

(e) *Presumption in criminal cases.* A motor vehicle that is operated, driven, or in actual physical control of an individual arrested for or charged with a crime may be impounded to preserve any evidence that may be necessary for trial.

(f) *Presumption of auction.* In the following situations, after providing required notice, the presumption is that the vehicle will be auctioned rather than being removed to a scrap processing yard or auto wrecker for disposal:

(1) The vehicle is safe to operate and has no major body damage; and

(2) The Kelly Blue Book value is listed at $1,000.00 or more.

(g) *Presumption of disposal.* In the following situations, after providing required notice, the presumption is that the vehicle will be removed to a scrap processing yard or auto wrecker for disposal rather than being placed for auction:

(1) The vehicle is junked or wrecked as defined in CBJ 72.28.010; or

(2) A vehicle poses a hazard due to presence of blood, bodily fluids, standing water, contagion, or other hazardous materials; or

(3) A vehicle is determined to be worth less than $1,000.00; or

(4) The vehicle has previously been subject to an auction under this Chapter; or

(5) A vehicle is unsafe to drive due missing parts, or damage to the motor, engine, transmission, brakes, steering, suspension, or body of the vehicle.

(h) *Impound options.* A police officer, the manager, or the manager's designee may:

(1) Impound and remove a vehicle to an impound lot for storage; or

(2) Impound in place by ensuring the vehicle is in a safe location and by placing notice of impound on the vehicle.

(i) *Immobilization options.* A police officer may immobilize a vehicle in association with a criminal arrest or citation for impoundment driving offenses. If an immobilized vehicle is not released within 72 hours, the manager or the manager's designee may deem the vehicle abandoned and proceed with notice and disposal. A vehicle may be released from immobilization per CBJ 73.23.050.

(j) *Exceptions to impound.*

(1) If a driver is unable to produce a valid driver's license on the demand of a police officer, the vehicle may be impounded regardless of ownership, unless the police officer is able, by other means, to verify that the driver is properly licensed. Prior to impounding a vehicle, an officer shall attempt to verify the license status of a driver who claims to be properly licensed but is unable to produce the license on demand of the police officer.

(2) A police officer may not impound a vehicle based on expiration of the driver's license if the license expired within the preceding 90 days and the driver would otherwise have been properly licensed.

(3) A police officer, the manager, or the manager's designee may waive impoundment of the vehicle if the driver is an employee driving a vehicle registered to an employer in the course of employment. A police officer may also waive impoundment if the driver is the employee of a bona fide business establishment or is a person otherwise controlled by such an establishment and it reasonably appears that an owner of the vehicle, or an agent of the owner, relinquished possession of the vehicle to the business establishment solely for servicing or parking of the vehicle or other reasonably similar situations, and where the vehicle was not to be driven except as directly necessary to accomplish that business purpose. In this event, if the vehicle can be returned to or be retrieved by the business establishment or registered owner, the police officer may release and not impound the vehicle.

(4) A police officer, the manager, or the manager's designee may waive impoundment in other circumstances clearly establishing that the owner of the vehicle had no cause to believe, or reasonable opportunity to inquire, whether the driver would commit an impoundment driving offense.

(5) A police officer, the manager, or the manager's designee may waive impoundment if a licensed driver is available to take possession of the vehicle within 72 hours, the vehicle may be parked in a safe location, and the key is secured until a licensed driver arrives. The officer may store the keys at the police department for safekeeping or may allow the driver of the vehicle to

designate where the keys to the vehicle are placed for safekeeping. The driver of the vehicle is responsible for notifying a licensed driver of the need to take possession of the vehicle within 72 hours. If not taken into possession and moved within 72 hours, the vehicle may be subject to impound.

(6) A police officer, the manager, or the manager's designee may waive impoundment if the vehicle is left standing or parked more than the time specified in Title 72, but the owner or driver of the vehicle has given notice to the police department, specifying the circumstances which require excess of the time specified and any provisions the owner or driver is making to remove the vehicle.

72.23.020 Impound of vehicles.

(a) A police officer, the manager, or the manager's designee may impound and remove or impound in place a vehicle that is in violation of the provisions of statute, ordinance, or regulation.

(b) Removal of a wrecked, junked, or abandoned vehicle from private property shall be upon the written request of the owner or person in lawful possession or control of the property.

(c) When a police officer arrests the driver of a motor vehicle, the officer shall impound and remove, impound in place, or immobilize the vehicle as designated by the chief of police. The officer shall inform the driver that they may elect to have another immediately available person who is legally licensed to drive a motor vehicle drive or otherwise remove the vehicle as the driver directs. The driver may designate the nearest available garage or tow car operator of the driver's choosing to remove the vehicle. The exceptions to impound under 72.23.010(j) may be applied at the discretion of the police officer.

(d) When a vehicle is impounded and removed to the impound lot, or immobilized, the owner or driver may claim the vehicle per CBJ 72.23.050.

72.23.030 Vehicle immobilization.

(a) A police officer, the manager, or the manager's designee may authorize the immobilization of a vehicle as part of a criminal arrest using a vehicle immobilization device which, when attached to the wheel or other part of a motor vehicle, prevents that vehicle from being driven.

(b) The owner or operator of a vehicle immobilized pursuant to this section may obtain its release by complying with the terms of CBJ 73.23.050.

(c) A vehicle immobilized may not be the subject of parking citations during the period of immobilization.

(d) If an immobilized vehicle is not released within 72 hours, the manager or the manager's designee may deem the vehicle abandoned and proceed with notice and disposal.

(e) It is unlawful for a person to purposely or recklessly and without authority tamper with, remove, attempt to remove, damage, or deface any vehicle immobilization device attached to any vehicle.

72.23.040 Notice requirements.

(a) *Abandoned vehicles.*

(1) A written report of impoundment shall be made by the police officer, the manager, or the manager's designee. The report shall be sent immediately to the department of motor vehicles and a copy of the report shall be given to the person who stores the property. The report must describe the vehicle, the date, time, and place of removal, the grounds for removal, and the place of impoundment of the vehicle.

(2) Adequate notice of impoundment and procedures for redemption of a vehicle shall be given to registered owners of vehicles and other persons known to have a legal interest in them. Adequate notice shall consist of a certified letter or personal service, when the persons involved are known, or publication for ten days if such persons are not known. The notice shall contain:

1. A description of the vehicle,
2. The date, time, and place of impound;
3. The current location of the vehicle;
4. An itemized statement of amounts due the municipality for towing and storage and stating that such fees and costs must be paid prior to redemption of the vehicle;
5. A statement that the owner may appeal the impoundment fees and costs by making a request in writing within 20 days from the date of mailing or publication of the notice; and

6. A statement that unless the vehicle is reclaimed within 20 days from the date of mailing or publication of the notice, the vehicle and its contents may be disposed of per CBJ 73.23.060.

(3) Title to the vehicle will vest with the city and borough on the 21st day from the notice given.

(b) *Wrecked or junked vehicles.*

(1) Upon observation of what appears to be a wrecked or junked vehicle, a police officer, the manager, or the manager's designee may impound the vehicle.

(2) A written report of impoundment shall be made by the police officer, the manager, or the manager's designee. The report shall be sent immediately to the department of motor vehicles. The report must describe the vehicle, the date, the time, the grounds for impound, and the place of impoundment of the vehicle.

(3) The police officer, the manager, or the manager's designee shall give written notice by personal service or certified mail to the vehicle owner of record as well as by notice affixed to the vehicle, when the persons involved are known. Notice affixed to the vehicle shall suffice for subsequent disposal if such persons are not known.

(4) The notice shall contain the street address and other information sufficient to identify the location of the vehicle, a statement that the vehicle constitutes a public nuisance, a statement that if the vehicle is not claimed and removed within five days from issuance of the notice, the vehicle will be disposed of per CBJ 73.23.060; and a statement that, if the owner can show ability and willingness to make the repairs necessary to convert the junked vehicle into an operable vehicle, application may be made at any time before the five days have expired for a 30-day waiver to make the necessary repairs.

(c) If a vehicle can be considered both abandoned and wrecked or junked, the vehicle may be disposed of under either subsection (a) or (b) above.

72.23.050 Release of vehicle.

(a) The vehicle shall be released to the registered owner upon presentation of a release authorization issued by the police department.

(b) A release shall not be granted unless the owner:

(1) Can provide proof of ownership or a legal right to possess the vehicle; and

(2) Can provide current proof of insurance; and

(3) Is not intoxicated; and

(4) Pays all towing and storage fees.

(c) An owner who presents satisfactory proof of ownership or right to possession may redeem a vehicle at any time before destruction or auction by paying the charges of towing, storage, notice, other cost of impoundment, and any applicable penalty imposed by law.

72.23.070 Reimbursement of impound fees and costs.

Fees and costs may be reimbursed by the City and Borough if:

(a) All charges related to the impoundment are dismissed, except in diversion or Suspended Entry of Judgment (SEJ) cases, or the driver is acquitted;

(b) A showing that the owner of the vehicle has a valid driver's license, valid registration, and proof of insurance;

(c) Fees and costs may be reimbursed by the city and borough if the chief of police finds there were facts which would have justified a decision by the officer to waive impoundment; a finding by the chief shall not be construed to mean that the officer knew or should have known such facts; or

(d) A hearing officer determines that fees and costs should be reimbursed under CBJ 72.23.080.

72.23.080 Administrative hearing.

An owner and any lienholder of a vehicle impounded under this chapter shall be entitled to an administrative hearing regarding fees and costs. An owner and any lienholder may request a hearing, in writing, within 20 days from the date of mailing or publication of the notice. Hearings shall be informal and technical rules of evidence do not apply. A person who requests a hearing may retain an attorney if the person desires. The hearing officer shall be appointed by the manager. Proceedings of the hearing shall be recorded. The hearing officer has full discretion to decide the matters and shall state on the record the evidence relied on and the reasons for the officer's determination.

…

72.23.101 Repealed. ~~Presumptions; vehicle impoundment.~~

~~(a) It shall be presumed that a vehicle operated by or driven by or in the actual physical control of an individual arrested for or charged with an impoundment driving offense has been so operated by the registered owners thereof or has been operated by another person with the knowledge and consent of the registered owners.~~

~~(b) A vehicle used in the alleged impoundment driving offense may be impounded through a seizure of the vehicle incident to an arrest or citation subject to subsection (d).~~

~~(c) A police officer shall not stop a vehicle for the sole purpose of determining whether the driver is properly licensed.~~

~~(d) Confirmation and mitigation.~~

~~(1) If a driver is unable to produce a valid driver's license on the demand of a police officer, the vehicle may be impounded regardless of ownership, unless the police officer is reasonably able, by other means, to verify that the driver is properly licensed. Prior to impounding a vehicle, a police officer shall attempt to verify the license status of a driver who claims to be properly licensed but is unable to produce the license on demand of the police officer.~~

~~(2) A police officer shall not impound a vehicle based on expiration of the driver's license if the license expired within the preceding 90 days and the driver would otherwise have been properly licensed.~~

~~(3) A police officer may waive impoundment of the vehicle if the driver is an employee driving a vehicle registered to the employer in the course of employment. A police officer may also waive impoundment if the driver is the employee of a bona fide business establishment or is a person otherwise controlled by such an establishment and it reasonably appears that an owner of the vehicle, or an agent of the owner, relinquished possession of the vehicle to the business establishment solely for servicing or parking of the vehicle or other reasonably similar situations, and where the vehicle was not to be driven except as directly necessary to accomplish that business purpose. In this event, if the vehicle can be returned to or be retrieved by the business establishment or registered owner, the police officer may release and not impound the vehicle.~~

~~(4) A police officer may waive impoundment in other circumstances clearly establishing that the owner of the vehicle had no cause to believe or reasonable~~

~~opportunity to inquire whether the driver would commit an impoundment driving offense. Impoundment may not be waived under this subsection (4) if the owner and the driver are married, members of the same household, or both in the vehicle at the time of the stop.~~

~~(Serial No. 2003-22, § 4, 6-9-2003; Serial No. 2019-33, § 13, 9-16-2019, eff. 10-17-2019)~~

72.23.102 Repealed. ~~Storage of vehicle, payment of fees, release.~~

~~(a) The police officer shall arrange for a vehicle impounded under this chapter to be taken to and stored at a commercial vehicle storage service.~~

~~(b) The vehicle storage service shall release the vehicle to the registered owner upon presentation of a release authorization issued by the police department.~~

~~(c) The police department shall issue a release authorization upon request on the first business day 72 hours after the vehicle was impounded. A release shall not be granted unless the owner:~~

~~(1) Can provide proof of ownership or a legal right to possess the vehicle; and~~

~~(2) Is not intoxicated, and~~

~~(3) Pays an administrative charge to offset the city's processing costs.~~

~~(d) Vehicles ordered impounded under this section and which are not claimed may be disposed of pursuant to the provisions of AS 28.10.502. If the contents of the vehicle have not been recovered before such disposal, the contents may be disposed of with the vehicle.~~

~~(e) The owner shall be liable for payment of all towing and storage fees to the commercial towing and storage service.~~

~~(Serial No. 2003-22, § 4, 6-9-2003)~~

72.23.103 Repealed. ~~Reimbursement of impound fees.~~

~~Fees under section 72.23.102(e) and (e) may be reimbursed by the City and Borough if:~~

~~(a) All charges related to the impoundment are dismissed or the driver is acquitted, or~~

~~(b) The chief of police finds there were facts which would have justified a decision by the officer under section 72.23.10(d) to waive impoundment. A finding under this subsection (b) shall not by itself be construed to mean that the officer knew or should have known such facts.~~

~~(Serial No. 2003-22, § 4, 6-9-2003)~~

72.23.104 Repealed. ~~Definitions.~~

~~The following definitions shall apply to this article:~~

~~*Business day* means a day other than Saturday, Sunday, or a City and Borough holiday.~~

~~*Impoundment driving offense* means CBJ 72.10.010 or AS 28.35.030, pertaining to driving while intoxicated, or CBJ 72.10.012 or AS 28.35.032, pertaining to refusal to submit to chemical test, or CBJ 72.10.028 pertaining to driving without a valid operator's license.~~

~~*Previously convicted or previous conviction* means having been convicted in this or another jurisdiction within 15 years preceding the date of the present offense, of a drunk driving offense or another statute or ordinance with substantially similar elements.~~

~~*Registered owner* or *owner* means the owner of the vehicle at the time of the offense as shown in the vehicle ownership records of the State of Alaska, Division of Motor Vehicles or another agency with similar responsibilities in another state.~~

~~(Serial No. 2003-22, § 4, 6-9-2003; Serial No. 2019-33, § 13, 9-16-2019, eff. 10-17-2019)~~

Section 5. Amendment of Chapter. Chapter 72.28, Definitions, is renamed and amended to read:

Chapter 72.28 DEFINITIONS, PENALTIES, AND REGULATIONS

72.28.010 Definitions of words and phrases.

The following words and phrases, when used in this title, shall have the meaning respectively ascribed to them in this section, unless the context clearly indicates otherwise. Words or phrases used but not defined in this title which are defined in state laws or regulations pertaining to the operation of vehicles shall have the meaning ascribed to them by such state law or regulation, unless the context clearly indicates otherwise.

Abandoned vehicle means:

(1) A vehicle registered or titled that reasonably appears to have been left unattended, standing, parked upon, or within 10 feet of the traveled portion of a highway or vehicular way or area in excess of 48 hours, or a vehicle that reasonably appears to have been left standing or parked on private property in excess of 24 hours or upon other public property for more than 30 days without the consent of the owner or person in charge of the property. ~~A privately owned~~

~~vehicle which is left standing on a highway or other public property in the City and Borough for a continuous period of 72 hours or more, or is left standing on private property without the permission of the owner or legal occupant of the property for a continuous period of 24 hours or more. The term also includes a vehicle that is not removed within the time specified to a police officer as provided in subsection (2) of this definition.~~

Business day means a day other than Saturday, Sunday, or a city and borough holiday.

Impoundment driving offense means CBJ 72.10.010, pertaining to driving while intoxicated, or CBJ 72.10.012, pertaining to refusal to submit to chemical test, or CBJ 72.10.028, pertaining to driving without a valid operator's license.

Junked vehicle means a vehicle:

(1) which has not been registered for a period of one year or more prior to impoundment, except:

(A) for a vehicle not currently registered under AS 28.10 and used exclusively for competitive racing; or

(B) a vehicle whose registration expired while being held in an impound lot;

(2) that is stripped, wrecked, or otherwise inoperable due to mechanical failure;

(3) that 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

(4) that is in a condition that exhibits more than one of the following elements:

(A) broken glass;

(B) missing wheels or tires;

(C) missing body panels or parts; or

(D) missing drive train parts.

(5) that has been previously declared a wreck or reconstructed on title.

Previously convicted or *previous conviction* means having been convicted in this or another jurisdiction within 15 years preceding the date of the present offense, of a drunk driving offense, or another statute or ordinance with substantially similar elements.

Registered owner or *owner* means the owner of the vehicle at the time of the offense as shown in the vehicle ownership records of the State of Alaska, Division of Motor Vehicles or another agency with similar responsibilities in another state.

Wrecked vehicle means a vehicle that is disabled and cannot be used as a vehicle without substantial repair or reconstruction.

72.28.020 Penalties.

Unless another penalty is expressly provided, every person convicted of a violation of this chapter is guilty of an infraction, punishable by a fine not to exceed $500.00. Upon a conviction under this Chapter, the city and borough may have up to 90 days to file a motion for restitution for fees and costs incurred.

72.28.030 Authority to effect regulations.

The manager or manager's designee is empowered, with approval of the assembly, to make all necessary regulations pursuant to CBJ chapter 01.60 to affect all provisions of this title.

Section 6. Repeal of Section. CBJC 36.30.230, Abandoned and junked vehicles, is repealed in its entirety.

36.30.230 Repealed. ~~Abandoned and junked vehicles.~~

~~(a) No person may deposit or maintain a junked or abandoned vehicle on any private property or on any street, sidewalk, recreation area, open space, or other public property. It shall be a defense to a charge under this section that the vehicle was located within a permanent structure or on property lawfully used as a junkyard pursuant to title 49 of this Code.~~

~~(b) A junked or abandoned vehicle deposited in any place in violation of this section is considered to have been so deposited by the last registered owner of the vehicle unless the last registered owner has filed a notice of transfer or assignment in accordance with AS 28.10.271, in which case proof of the filing of the notice shall constitute prima facie evidence that the transferee named in the notice was the person who deposited the junked or abandoned vehicle in violation of this section.~~

~~(c) A transferor or assignor of a vehicle who fails to file a notice as provided in AS 28.10.271, within ten days of the transfer or assignment, shall be guilty of an infraction.~~

~~(d) Violation of subsection (a) or subsection (c) of this section is an infraction, upon conviction of which the court shall impose a minimum fine of $295.00. The execution of sentence may not be suspended nor may probation be granted except on condition that the minimum fine provided in this section is paid. Imposition of sentence may not be suspended.~~

~~(e) Upon a conviction under subsection (a) of this section, the court shall order the defendant to make restitution for the actual costs incurred by the City and Borough for disposal of the vehicle.~~

~~(f) If a vehicle qualifies for impound, the manager or the manager's designee may impound a vehicle in place and proceed with the notice and disposal process.~~

~~(Serial No. 79-53, § 3, 1979; Serial No. 2000-20, § 4, 6-5-2000; Serial No. 2023-38, 11-13-2023, eff. 12-14-2023)~~

Section 7. Amendment of Section. CBJC 72.02.340, Stopping, standing or parking on highway and in other locations, is amended to read:

72.02.340 Stopping, standing, or parking on highway and in other locations.

…

(b) This section and section 72.02.365 do not apply to the driver of a vehicle performing an official duty which requires stopping, standing, or parking upon or within eight feet of a roadway or to the driver of a vehicle which is disabled in a manner and to an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon or within eight feet of roadway. The driver of a disabled vehicle shall comply with the requirements of section 72.23.010(e) ~~72.02.345~~.

…

Section 8. Amendment of Section. CBJC 72.02.345, Officers authorized to remove vehicles, is amended to read:

72.02.345 Officers authorized to remove vehicles.

(a) If a vehicle is in violation of the provisions of sections 72.02.340 through 72.02.372~~3~~, or is left on a roadway or under circumstances which obstruct the normal movement of traffic, a police officer may move the vehicle, or require the driver or other person in

charge of the vehicle to move the vehicle to a position off the roadway or to a safe place on the roadway~~.~~, or when necessary.

(b) A police officer may impound in place, impound and remove to a place of safety, or immobilize a vehicle ~~which~~ under the provisions of Chapter 72.23.

~~(1) Is found in the state and which has been previously reported stolen or taken without the owner's consent;~~

~~(2) Is found or operated on a highway or ferry facility without license plates or other evidence of registration or which evidence is false with respect to that vehicle;~~

~~(3) Is found or presumed to be abandoned as provided in AS 28.11.020, except that a vehicle is not considered abandoned if left standing or parked in excess of the time specified in AS 28.11.020 when the owner or driver of the vehicle has given notice to a municipal police department, if the vehicle is located within a municipality, or to the nearest office of the Alaska State Troopers, specifying the circumstances which require standing or parking in excess of the time specified in AS 28.11.020, and the provisions the owner or driver is making to remove the vehicle; or~~

~~(4) Is found to be in violation of subsection 72.02.340(d)(1)(K) upon a state-controlled or state-designated parking area.~~

~~(c) When a police officer arrests and detains the driver of a motor vehicle, the officer shall impound and remove the vehicle to a place of safety; however, the officer shall inform the driver that the driver may elect to have another immediately available person, who is legally licensed to drive a motor vehicle, drive or otherwise remove the vehicle as the driver directs. The driver may designate the nearest available garage or tow car operator of the driver's choosing to remove the vehicle. If the driver does not so indicate, the officer shall make the arrangements necessary to remove the vehicle.~~

~~(d) When a vehicle is impounded, it may be impounded in place or removed from a highway or elsewhere at the discretion of a police officer. A vehicle removed shall be removed to a place of safety. The owner or driver may claim the vehicle by securing a written release for it from the police officer or agency ordering its impound or removal. A vehicle legally removed or impounded may not be released to the owner, nor may the owner secure its~~

~~use until the release for it is certified by the officer or agency directing its removal. The expense for the removal and storage must be paid by the owner or driver of the vehicle. (CBJ Code 1970, § 72.02.345; Serial No. 71-66, § 4, 1971; Serial No. 2023-38, 11-13-2023, eff. 12-14-2023)~~

Section 9. Amendment of Section. CBJC 72.23.100, Vehicle impoundment; public nuisance, is amended to read:

72.23.060~~100~~ Disposal of vehicles. ~~Vehicle impoundment; public nuisance.~~

(a) Upon satisfaction of the notice and reporting requirements, an abandoned, wrecked, or junked vehicle may be disposed of by removal to a scrap processing yard or auto wrecker or may be sold at public auction.

(1) For a vehicle which will be sold at auction, after issuing the 20 day notice and having no response from the owner or lien holder, the vehicle may be sold at auction no sooner than 10 days after the 20th day.

(2) For a vehicle which will be disposed of removal to a scrap processing yard or auto wrecker, after issuing the 20 day notice for an abandoned vehicle or posting a 5 day notice for a wrecked or junked vehicle, the vehicle may be immediately disposed of.

(b) If the contents of the vehicle have not been recovered before such disposal, the contents may be disposed of with the vehicle.

(c) The minimum bid at auction will be no less than $1,000.00, which represents administrative, towing, and storage costs to the city and borough. This amount will be equal to the previous fiscal year's cost and adjusted by the Consumer Price Index – Urban Alaska (CPI) as reported by the Alaska Department of Labor and Workforce Development.

(e) The proceeds of a sale of any impounded vehicle shall be applied first against any and all administrative costs, towing and storage fees, and costs of conducting the sale, with any remaining proceeds paid first to the lienholder if known, to the extent of the lienholder's interest if any, then to the owner if known, or if unknown, into the operating fund of the appropriate department.

~~A motor vehicle that is operated, driven, or in actual physical control of an individual arrested for or charged with an impoundment driving offense may be impounded by the City and Borough for 72 hours in accordance with this chapter. The purpose of the impoundment is to preserve any evidence that may be necessary for trial, to protect the public by removing public nuisances from the roads and deterring drivers from drinking and from operating vehicles in violation of license restrictions. A vehicle operated in the course of the commission of an impoundment driving offense is declared to be a public nuisance for which the registered owners shall be legally responsible subject only to defenses set forth by law.~~

~~(Serial No. 2003-22, § 4, 6-9-2003; Serial No. 2019-33, § 13, 9-16-2019, eff. 10-17-2019)~~

Section 10. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 7th day of April, 2025.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk