

ORDINANCE #198

Ordinance of the City Council of Bethel, Alaska adding to Bethel Municipal Code Title 10, a Chapter 15 regarding Motor Vehicle Impoundment.

CHAPTER 10.15
MOTOR VEHICLE IMPOUNDMENT

SECTIONS:

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10.15.010 DEFINITIONS Unless otherwise expressly stated in this chapter:

- A. "ABANDONED VEHICLE" means a motor vehicle left unattended in violation of Section 10.15.020 of this chapter.
- B. "HIGHWAY" means the entire width between the boundary lines of every way that is publicly maintained when a part of it is opened to the public for purposes of travel by motor vehicle, including but not limited to every street.
- C. "IMPOUNDED VEHICLE" means any motor vehicle which has been taken into the possession of an authorized person or company because the vehicle was left unattended in violation of Section 10.15.020 of this chapter.
- D. "JUNK VEHICLE" means any motor vehicle that has been wholly or partially dismantled, wrecked or otherwise inoperable and does not have a current motor vehicle registration in this or any other State.
- E. "MOTOR VEHICLE" means a vehicle which is self propelled except a vehicle moved by a human or animal power.
- F. "VEHICLE" means a junk vehicle or motor vehicle removed under this chapter.

10.15.020 PRESUMPTION OF ABANDONMENT

- A. It shall be unlawful for a person to leave unattended a motor vehicle on the travelled portion or within 10 feet of the travelled portion of a highway in excess of 48 hours.

B. It shall be unlawful for a person to leave unattended a motor vehicle on private property in excess of 24 hours or on other public property in excess of 30 days.

C. It shall be unlawful to leave unattended any motor vehicle on a highway such that it disrupts the normal flow of traffic on the highway or impedes or interferes with emergency vehicle operation.

10.15.030 REMOVAL OF ABANDON VEHICLES

A. A police officer of the Bethel Police Department or representative of the Bethel Police Department may remove or have removed to a place of storage a vehicle presumed to be abandoned under Section 10.15.020 of this chapter.

B. Removal of a motor vehicle left unattended on private property in violation of Section 10.15.020 shall be upon the written request of the property owner or person in lawful possession or control of the property on a form prescribed by the Bethel Police Department.

C. An officer of the Bethel Police Department or representative of the Bethel Police Department may remove a motor vehicle, not otherwise presumed to be abandoned under this chapter, when that motor vehicle has been involved in criminal activity and it is necessary to remove the motor vehicle in order to prevent a violation of Section 10.15.020 of this Chapter or to insure the safety of the motor vehicle.

10.15.040 REMOVAL OF JUNK VEHICLES

A. It shall be unlawful to store, keep or maintain any junk vehicle upon public or private property such that it creates a public nuisance or public health or safety hazard.

B. Any junk vehicle stored, kept or maintained in violation of subsection A of this section may be subject to removal by the Bethel Police Department.

10.15.050 NOTICE TO BE GIVEN TO OWNER

A. When a motor vehicle is removed pursuant to Section 10.15.030, notice shall be provided to the registered owner of record, lien holders of record and any party known to have an ownership interest in the motor vehicle within 10 days from the date the motor vehicle was removed.

B. When a junk vehicle is to be removed pursuant to Section 10.15.040, notice shall be given to the registered owner of record, lien holders of record and any other party known to

have an ownership interest in the motor vehicle at least 30 days prior to the date the junk vehicle is to be removed.

C. The notice required by this section shall contain the following:

- 1) A description of the motor vehicle or junk vehicle and any property therein;
- 2) The date, time and place of removal;
- 3) The location the motor vehicle or junk vehicle has been or will be removed to for storage;
- 4) A statement that unless the right to possession of the motor vehicle is established to the satisfaction of the Chief of Police of the Bethel Police Department or his designee and the vehicle reclaimed within 30 days from the date of mailing or publication of the notice, or unless arrangements are made for the storage of the motor vehicle within the 30 day period, the vehicle and its contents may be sold at public auction, or if the vehicle is inoperable or is worth less than \$200.00 as determined by the National Automobile Dealer's Association Blue Book, the motor vehicle or junk vehicle may, at the discretion of the Bethel Police Department, be destroyed; and
- 5) A statement that the registered owner or other persons with a legal interest in the motor vehicle may at any time during the 30 day period request a hearing before the Chief of Police of the Bethel Police Department concerning whether the vehicle was or is subject to removal under this chapter or concerning any amounts due.

D. Adequate notice for purposes of this chapter shall be given by a qualified person, either by personal delivery to the person to be notified or by registered or certified mail, return receipt requested, addressed to the person at the address of the person as shown in the records of the Motor Vehicle Division of the Department of Public Safety in the State of Alaska. If the motor vehicle is not registered in the State of Alaska or the name and address of the registered or legal owner or lien holder cannot be ascertained, notice shall be given by publication in the manner prescribed in Alaska Rule of Civil Procedure 4(e)(2).

10.15.060 DISPOSITION OF JUNK VEHICLES AND MOTOR VEHICLES REMOVED UNDER THIS CHAPTER

A. If a motor vehicle or junk vehicle removed pursuant to the provisions of this chapter is not redeemed within the 30 day period set forth in Section 10.15.050 of this chapter, the Chief of Police of the Bethel Police Department may publish in a newspaper of general circulation notice of public auction for disposal of the removed motor vehicle or junk vehicle.

B. The notice of public auction shall contain a description of the vehicle, the name of the registered owner, if known, and a provision stating that the vehicle described shall be sold to the highest responsible bidder by closed, sealed bid, and a certificate of sale issued for the vehicle sold.

C. Such auction may be held not less than 20 days following the date of publication of the notice of public auction.

D. A person who presents satisfactory proof of ownership or right to possession may redeem a vehicle removed under this chapter at any time before an auction under this section by paying the accrued charges for towing, storage, notice, other costs of removal and any applicable penalty imposed by law.

E. Vehicles not redeemed by the owner or those with legal interest in the vehicle and not sold at public auction and those which are deemed inoperable or worth less than \$200.00 according to the National Automobile Dealer's Association Blue Book may, without further notice, be destroyed. When such a vehicle is destroyed, the Chief of Police shall notify the Alaska Department of Public Safety Division of Motor Vehicles of the vehicle's destruction.

F. The Bethel Police Department shall keep a record of all vehicles and junk vehicles, including the date, time and place of removal, a description of the vehicle and its contents, its estimated retail value, the vehicle's operating condition, the cause for which the vehicle was removed, the location where the vehicle is stored, the date of redemption if redeemed, the amount paid upon redemption, the date of and means of notice to the owner or other party required to receive notice under this chapter, the date of notice of sale, record of sale, price paid and name of purchaser, or record of other means of disposal. Such records shall be kept for a period of 4 years and thereafter will be destroyed by the Department.

G. Nothing in this section shall impair any lien rights created under A.S. 28.11.090.

10.15.070 RECOVERY OF COSTS AND FORFEITURE

A. All proceeds from the sale of removed vehicles shall be forwarded to the City of Bethel. All costs of removing, storing, selling and destroying removed vehicles, including court costs, may be charged or assessed by the City against the vehicle, the registered owner of the vehicle, and any person who has acquired an ownership interest in the vehicle from or through the registered owner. Any funds that are remaining after all of the above mentioned costs have been accounted for, will remain in a separate account and any owner or lienholder that has a legal right to funds

remaining from the sale of a particular vehicle will have sixty days after the date of the sale to file a claim for those funds and if no claim is filed, the funds will become the property of the City.

B. Any removed vehicle that is not sold at the time of auction, shall become the property of the City.

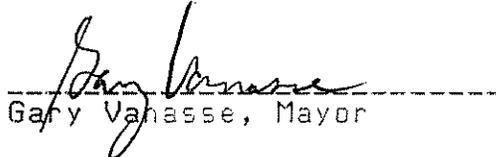
C. Any vehicle, which has been removed by the City of Bethel and has been in storage, has not been claimed and whose owner has not made acceptable arrangements to reimburse the City for removal fees for a period exceeding 180 days shall have its title vested with the City of Bethel and the vehicle shall be forfeited and subsequently become the property of the City. If any vehicle is forfeited to the City, notice shall be given to the owner of the vehicle, if known, or if the owner is not known, notice shall be given by publication.

10.15.080 WAIVER OF CLAIMS FOR DAMAGES

Should a vehicle purchased at auction pursuant to Section 10.15.060(B) be damaged or destroyed prior to release, the purchaser's remedy is limited to a return of the purchase price.

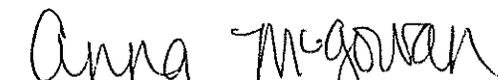
EFFECTIVE DATE: OCTOBER 9, 1990

PASSED AND APPROVED THIS 9th DAY OF October, 1990.



Gary Vanasse, Mayor

ATTEST:



Anna McGowan, City Clerk