

CODE ORDINANCE

By: Borough Manager
Introduced: 08/07/18
Public Hearing: 08/21/18
Adopted: 08/21/18

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 18-070**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING
MSB 10.12, ABATEMENT OF ABANDONED VEHICLES.

WHEREAS, the intent for this ordinance is found in the
accompanying Informational Memorandum No. 18-086.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and
permanent nature and shall become a part of the Borough code.

Section 2. Amendment of section. MSB 10.12.020 is hereby
amended as follows:

(A) vehicle which has been left unattended,
standing or parked within a public right-of-way or on
land owned by or controlled by the borough in excess of
72 hours without the consent of the borough is presumed
to be abandoned by its owner and may be treated as an
abandoned vehicle under this chapter unless it is
removed before action is taken in accordance with this
chapter.

(B) A wrecked or junked vehicle that reasonably
appears to have been left standing or parked on land
owned or controlled by the borough in excess of 24 hours

without the consent of the borough is presumed abandoned.

(1) A "junk vehicle" means a vehicle that:

(a) Is not currently registered, except for a vehicle 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: broken glass, missing wheels or tires, missing body panels or parts, or missing drive train parts.

(2) A "wrecked vehicle" means a vehicle that is disabled and cannot be used as a vehicle without substantial repair or reconstruction.

Section 3. Amendment of section. MSB 10.12.040 is hereby amended as follows:

(A) The person who stores an abandoned vehicle at the direction of the borough under this chapter shall, within 30 days of receiving the vehicle, give notice to

the vehicle owner of record and to any lienholder of record stating the grounds for removal, the place of impoundment of the vehicle, and the right to appeal. If the vehicle is not registered in the state, or the name and address of the registered or legal owner or lienholder cannot be ascertained, notice shall be given by publication in a manner prescribed in the rules of court for service of process by publication. Notice to persons under this section shall be given by certified mail, return receipt requested.

(B) Notice for junked or wrecked vehicles subject to destruction by an auto wrecker shall include affixing a tag on the vehicle indicating the vehicle will be disposed of at the owner's expense. Notice to the wrecked or junk vehicle owner of record and to lienholders of record shall include the earliest date the vehicle will be disposed of. In addition to tagging the vehicle, the borough shall provide notice to the vehicle owner of record and to any lienholder of record stating the grounds for disposing of the vehicle, the date of disposal by auto wrecker, and that the vehicle owner has a right to appeal. If the vehicle is not registered in the state, or the name and address of the registered or legal owner or lienholder cannot be ascertained, notice

shall be given by publication in a manner prescribed in the rules of court for service of process by publication. Notice to persons under this section shall be given by certified mail, return receipt requested. The giving of notice by mail is considered complete upon the return of the receipt or upon return of the notice as undeliverable, refused, or unclaimed.

Section 4. Amendment of section. MSB 10.12.070 is hereby amended as follows:

(A) Upon satisfaction of the notice and reporting requirements of this chapter, a vehicle may be disposed of by an auto wrecker or by public auction 20 days after notice of the auction or disposal by auto wrecker is published in a newspaper of general circulation in the borough. A notice shall describe the abandoned vehicle and specify the place, date and time at which it will be sold or disposed of by auto wrecker. A copy of the notice of auction or notice of disposition by auto wrecker shall be sent to the Alaska State Department of Public Safety.

(B) A vehicle disposed of under this section shall be registered and titled by the state of Alaska, unless the vehicle is junked and cannot be driven.

(C) Notwithstanding this section, the borough may initiate a civil action against the person considered

responsible for the abandonment and recover costs exceeding receipts for disposal of the vehicle.

(D) Wrecked or junk vehicles left unattended on boroughowned or controlled land without the consent of the borough are subject to disposal after providing the notice set forth in MSB 10.12.040 and 20 days after providing notice the vehicle is subject to disposal by publication in a newspaper of general circulation in the Borough.

Section 5. Amendment of section. MSB 10.12.090 is hereby amended as follows:

An owner and [OR] any lienholder of an abandoned vehicle disposed of [REMOVED] under this chapter shall be entitled to an administrative hearing as soon as possible after the removal of the vehicle or before disposal of a junk or wrecked vehicle. 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 shall state on the record the evidence relied on and the reasons for the officer's determination.

Section 6. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 21 day of August, 2018.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



PASSED UNANIMOUSLY: Sykes, Beck, McKee, Leonard, Mayfield, Doty, and Kowalke

