

TITLE 7

PUBLIC HEALTH, PEACE AND SAFETY^{1/}

Chapters:

- 7.05 General Provisions
- 7.10 Animal Control
- 7.15 Offenses
- 7.20 Abandoned and Junked Vehicles
- 7.25 Disposal of Used Oil

^{1/} See § 8.05.010 authorizing the mayor to promulgate regulations as to nuisances and safety hazards on public property; see § 8.05.015 prohibiting certain activities within or around the city dam/water reservoir.

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§ 7.05.010

§ 7.05.015

Chapter 7.05 -- General Provisions

Sections:

7.05.010 Alcoholic beverages--Hours of sale.

7.05.015 Sale of alcoholic beverages permitted on election day.

7.05.010 Alcoholic beverages--Hours of sale.

A. Notwithstanding any other provisions of local or state law, no establishment selling alcohol by the drink or the bottle within the municipal limits of the City of King Cove shall remain open for business past the hour of 3 A.M. during the months of April 1 through September 30.

B. During the months of October 1 through March 31, no establishment shall remain open after the hours of 3 A.M. with the following exception:

The establishment can extend the closing hour to 5 A.M. for Christmas Day, New Year's Day and, in the case of a special occasion, the establishment can apply for a special permit which would need the mayor's approval based on the consent of the city council.

(Ord. 83-04 § 4, 1983; Ord. 86-04 § 4, 1986)

7.05.015 Sale of alcoholic beverages permitted on election day.

The provisions of AS 4.16.070(a) do not apply within the city when elections are being held, and a licensed premises located within the city may remain open on election day.

(Ord. 98-14 § 2, 6-3-98)

Chapter 7.10 -- Animal Control^{1/}

Sections:

- 7.10.010 Definitions.
- 7.10.015 Registration of dogs.
- 7.10.020 Licensing of dogs.
- 7.10.025 Unlicensed dogs.
- 7.10.030 Veterinary services.
- 7.10.035 Vicious dogs.
- 7.10.040 Nuisance dogs.
- 7.10.045 Quarantine.
- 7.10.050 Enforcement.
- 7.10.055 Disposal of dogs at owner's request.
- 7.10.060 Unleashed dogs.
- 7.10.065 Impounding of loose dogs.

7.10.010 Definitions.

At Large: Any animal when off the property of its owner and not under control of a competent person.

Enforcement Officer: A person who has authority to enforce the provisions of this chapter.

Leash: Any reasonable object affixed to a dog that prevents its ability to be loose.

Municipal Pound: The area designated by the city council to be used for the confinement of impounded animals.

Vicious Dog: Any dog which when unprovoked has bitten or attacked a human being or another animal.

Year: The year shall begin October 1. (Ord. 84-08 § 4 (part), 1984; Ord. 85-05 § 4 (part), 1985; Ord. 92-6 (part), 1992)

7.10.015 Registration of dogs. Each owner of a dog, or dogs, kept within the corporate limits of the City of King Cove shall register such dog, or dogs, annually by the 15th day of January of each year with the City of King Cove or with personnel authorized by the city council for this duty. All registrations expire on December 31 of each year regardless of the date during the year when the dog was registered. Registration renewals are due January 1 and must be completed by January 15 of each year. Registration must occur when a dog is three months old or within 30 days of change of ownership. (Ord. 77-01 (part), 1977; Ord. 85-05 § 4 (part), 1985; Ord. 92-6 (part), 1992; Ord. 98-02 § 2 (part), 1997)

^{1/} See AS 11.61.140 - .145 for state provisions as to cruelty to animals and exhibiting fighting animals; see AS 03.05.070 as to rabies control.

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7.10.020 Licensing of dogs. A. Dogs shall be licensed after they are three months old. Owners shall be charged twenty-five dollars (\$25.00) for licensing of each dog.

B. Licenses shall cover the year and shall be in the form of a numbered metal tag, issued by the council and record thereof kept by the city. Licenses shall be secured on the dog's harness or collar.

C. If dogs are not registered and licensed per the previous section, the owner will not be eligible for a 50% discount in cost to take his or her dog to the veterinarian during his or her annual visit to King Cove.

(Ord. 77-01 (part), 1977; Ord. 84-08 § 4 (part), 1984; Ord. 85-05 § 4 (part), 1985; Ord. 86-03 § 4, 1986; Ord. 92-6 (part), 1992; Ord. 2000-01 § 1, 1999; Ord. 2002-06, 2001; Ord. 06-04, 2006)

7.10.025 Unlicensed dogs. A. The owner of any dog found at large not wearing a license (whether previously licensed or not) will be issued a written warning for the first offense and may be fined fifty dollars (\$50.00) for the second offense. The owner should be advised that if the dog is permitted to run at large a third time, without a license, it could be destroyed by the designated enforcement officer. In the event that the owner is out of town, the caretaker or custodian shall be issued the fine.

B. A dog will be destroyed if its owner refuses to pay any imposed fines or refuses to license the dog. If a dog is found at large, not wearing a license, and its owner cannot be located or identified by an enforcement officer, after a reasonable effort has been made, the dog will be destroyed. (Ord. 77-01 (part), 1977; Ord. 84-08 § 4 (part), 1984; Ord. 85-05 § 4 (part), 1985; Ord. 2000-01 § 1 (part), 1999; Ord. 2002-06, 2001)

7.10.030 Veterinary services. Funds received from § 7.10.020 shall be used for the purposes of obtaining a veterinarian to provide neutering and spaying services for locally owned dogs in the city at periods designated by the city council. Such services shall be offered at a nominal fee set by the city council. (Ord. 85-09 § 4, 1985)

7.10.035 Vicious dogs.^{1/} Any dog, licensed or unlicensed, which has proved to be vicious, shall be destroyed by the enforcement officer.

^{1/} See AS 03.55.010 et seq. for state provisions as to vicious dogs.

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For the purpose of this ordinance, any dog shall be deemed vicious which has bitten a person or domestic animal without molestation; or which, by its actions, gives indication that it is likely to bite a person or domestic animal without molestation. (Ord. 77-01 (part), 1977; Ord. 84-08 § 4 (part), 1984; Ord. 85-05 § 4 (part), 1985)

7.10.040 Nuisance dogs. A. Any dog observed running at large, or any female dog in heat, uncontrolled, chasing motor vehicles, causing garbage or trash to be dispersed, or in any way causing alarm or harassment to a person shall be considered a nuisance. The owner of the dog will be contacted and issued a written warning to control the dog. If the owner is contacted a second time for his/her dog being a nuisance, he/she will be fined fifty dollars (\$50.00) and advised that since the dog cannot be controlled it is to be physically restrained. If after the owner has been advised to restrain the dog it is seen at large the dog will be destroyed upon officer's discretion.

B. Any dog(s) running in a pack of three or more, will be determined to be a nuisance dog(s). Any dog(s) seen in a pack may be destroyed on site, without prior contact of the dog's owner, upon discretion of the enforcement officer. (Ord. 77-01 (part), 1977; Ord. 84-08 § 4 (part), 1984; Ord. 85-05 § 4 (part), 1985; Ord. 2000-01, § 1 (part), 1999; Ord. 2002-06, 2001)

7.10.045 Quarantine. Whenever notice of a dog quarantine shall be posted by the city council, no person shall, during the period of such quarantine, permit any dog of which he/she is the owner, caretaker or custodian, to be unconfined, except under the conditions specified in such notice. Violation of this section will result in a one hundred fifty dollar (\$150.00) fine and/or immediate destruction of the dog in violation. (Ord. 77-01 (part), 1977; Ord. 84-08 § 4 (part), 1984; Ord. 85-05 § 4 (part), 1985; Ord. 2000-01, § 1 (part), 9-22-99)

7.10.050 Enforcement. A. Nothing contained in this chapter shall be construed to prevent the city from entering into a contract with a person or agency for the purpose of enforcing the provisions of this chapter.

B. No person may interfere with or obstruct an enforcement officer in the discharge of his/her duties. No person may release or attempt to release any dog(s) from the possession of an enforcement officer or from the municipal pound an animal impounded under this chapter. Violation of this section will result in a one hundred fifty dollar (\$150.00) fine. (Ord. 84-08 § 4 (part), 1984; Ord. 85-05 § 4 (part), 1985; Ord. 2000-01 § 1 (part), 1999)

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7.10.055 Disposal of dogs at owner's request. Any person wishing to have his/her animal(s) destroyed by the enforcement officer may do so upon consent of the owner that the animal be destroyed. A fee of fifteen dollars (\$15.00) per animal will be assessed. (See attached waiver) (Ord. 84-08 § 4 (part), 1984; Ord. 85-05 § 4 (part), 1985; Ord. 2000-01 § 1 (part), 1999; Ord. 2002-06, 2001)

7.10.060 Unleashed dogs. A. All dog owners shall be required to have a leash on their dogs when the dogs are outside the owner's place of residence or physical control and not inside a completely fenced and/or secured structure.

B. One written warning will be given to either purchase a leash or make sure the dog(s) is wearing the leash, or both, at all times. If a dog(s) is found a second time without a leash, the owner will be fined fifty dollars (\$50.00) and warned that if the dog(s) is permitted to run at large a third time without a leash, the dog(s) may be destroyed by the enforcement officer.

C. Any dog whose owner refuses to pay the imposed fine or refuses to leash the dog(s) will be destroyed. Any dog(s) found not wearing a leash whose owner cannot be found or determined by the enforcement officer after a reasonable effort has been made will be destroyed. (Ord. 92-6 (part), 1992; Ord. 94-5 § 3, 1994; Ord. 99-1 § 3, 10-1-98; 2000-01 § 1 (part), 1999; Ord. 2002-06, 2001; Ord. 2002-16, 2002)

7.10.065 Impounding of loose dogs. Any dog at large, when off its owner's property and not under control of a competent person, shall be impounded.

A. Any dog impounded within the city municipal pound, shall be held a minimum of three days (72 hours), including Saturday, Sunday and holidays.

B. Any impounded dog, suspected of having rabies or that has unprovokingly bitten a person, shall be impounded in isolation, for a minimum of five days. A dog impounded for the second time, for biting a person, unprovoked, shall be destroyed after the five day holding period.

C. Any dog not released after the three-day impoundment holding period, may be destroyed or disposed of at the discretion of the animal control officer.

D. No animal shall be released from the municipal pound, until all licensing, impoundment, vaccination and any additional fees are paid.

E. The following penalties will be imposed on the dog owner:

1st Offense	Cost of impoundment fee shall be \$ 50.00
2nd Offense	Cost of impoundment fee shall be \$100.00
3rd Offense	Cost of impoundment fee shall be \$150.00

(Ord. 2000-06 § 3, 5-18-00)

Chapter 7.15 -- Offenses

Sections:

- 7.15.010 **Illegal acts, generally.**
- 7.15.015 **False crime reports; False fire alarms.**
- 7.15.020 **Minors--Curfew.**
- 7.15.025 **Minors--Selling firearms to.**
- 7.15.030 **Minors--Abusing, endangering.**
- 7.15.035 **Minors--Drunk, immoral, vicious in presence of.**
- 7.15.040 **Alcoholic liquor--Sale, gift, delivery to certain persons prohibited.**

7.15.010 Illegal acts, generally. It shall be unlawful for any person to:

1. engage in any illegal occupation or business;
2. be upon any public street or in any public place in a state of drunkenness or intoxication;
3. engage in any indecent, immoral or obscene conduct in any street, alley or public place;
4. discharge any firearm or air rifle, or intentionally point or aim any firearm or other dangerous weapon, loaded or otherwise, at any person;
5. engage in window peeping;
6. beg in any street, alley or public place;
7. jostle or roughly crowd people unnecessarily in any street, alley or public place;
8. make an immoral exhibition or exposure of his person;
9. utter any profanity, indecent or improper language in a public place;
10. maliciously destroy or injure any public property or private property not his own;
11. accost a person or endeavor to entice him into an automobile;
12. create a disturbance in a public place or at any lawful assembly;
13. commit assault and battery;
14. make any breach of the peace;
15. attend or frequent any place in which an illegal business is permitted or conducted;
16. solicit a person for the purpose of committing any illegal act;
17. restrict arrest by a police officer or assist a person in custody of a police officer to escape;
18. carry a concealed firearm or deadly weapon on his person;

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19. steal any property of a value not exceeding one hundred dollars (\$100.00); provided, however, that the city may, at its option, treat as petit larceny the theft of a sum greater than one hundred dollars (\$100.00);

20. interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any city officer without permission from said officer;

21. impersonate a police officer or, without authority, attempt to exercise his powers;

22. sell cigarettes or tobacco in any form to children under 18 years;

23. sell, use or explode any fireworks, explosive or stench bomb to which fuses are attached or which are ignitable by means of a match, without permission of the chief of police;

24. spit upon or otherwise mar or litter any hallway, stairway, sidewalks or steps or any public building or place of worship or any public park, beach, recreation area, or parking lot;

25. trespass upon the private property of another without his consent;

26. drive a vehicle not his own without the owner's consent;

27. sell, offer for sale, or display any dirk, knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by manipulating a button, or exerting pressure on the handle or by other mechanical devices; such dirk or knife is hereby declared to be a dangerous or deadly weapon within the meaning of subsection 18. above;

28. no person shall, and it shall be unlawful for any person who has been confined to the city jail, or any city institution provided for prisoners, to escape from said jail or institution; and it shall also be unlawful for any person to aid or abet or in any way contribute in any manner to the aid of any person to escape or attempt to escape from said city jail or institution provided for prisoners;

29. make, cause or continue, or cause to be made or continued, any unnecessary or unusual noise, which either annoys, injures, or endangers the comfort, repose, health or safety of others; and every person who shall make, cause or continue, or cause to be made or continued, whether in the operation of any machine, or the exercise of any trade or calling, or otherwise, any noise which either annoys, injures or endangers the comfort, repose, health or safety of others, unless the making or continuing of the same be necessary to the protection or preservation of property, or of the health, safety, life or limb of some person, shall be guilty of an unlawful act under this code;

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30. no owner, lessee, agent, tenant or occupant shall allow or permit any debris, junk or indiscriminate storage of machinery, equipment parts, wrecked, junked, or abandoned automobile bodies, lumber or other material or any accumulation of garbage, manure, offal, rubbish, stagnant water or any filthy liquid or substance or anything that is or may become putrid or offensive to be or remain upon his yard, lot or premises, or upon any yard, lot, or premises owned or controlled by him;

31. no intoxicating liquor shall be consumed on the public streets, in the public parks, or in any other public place, or any store or establishment doing business with the public and not licensed to sell intoxicating liquor for consumption on the premises; nor shall anyone who owns, operates or controls any such unlicensed establishment or store to which the public is admitted permit the consumption of intoxicating liquor therein;

32. operate any motor vehicle on the streets of King Cove, while playing excessively loud music, which causes or continues to cause unnecessary noise that can be heard by others, outside the vehicle being operated. First offense, a fifty dollar (\$50.00) fine may be issued to the operator, second offense, a one hundred fifty dollar (\$150.00) fine may be issued to the operator and for the third and any further violations, a three hundred dollar (\$300.00) fine may be imposed to the operator. (Ord. 77-01 (part), 1977; Ord. 2000-03, § 3, 9-22-99)

7.15.015 False crime reports; False fire alarms. It shall be unlawful for any person to register, make, render or report any false alarm, report or complaint to either the fire department or the police department. (Ord. 77-01 (part), 1977)

7.15.020 Minors--Curfew. A. It shall be unlawful for any minor to be upon the streets or roadways or alleyways or any other persons' property from:

1. 10 P.M. (AST/ADT) daily--15 years of age and under, unless accompanied by a parent;

2. 12 midnight to 6 A.M. (AST/ADT)--17 years of age to and including 16 years of age unless accompanied by a parent.

B. Curfews will be waived during special occasions (school dances and such), provided it is agreeable with the school, city council and public. (Ord. 78-01 (part), 1978)

7.15.025 Minors--Selling firearms to. It shall be unlawful for any person to give, barter, sell, lease or otherwise make available to any person under the age of 18 years, any firearm, including but not limited to pistols, rifles and shotguns, within the city. (Ord. 77-01 (part), 1977)

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7.15.030 Minors--Abusing, endangering. It shall be unlawful for any person to willfully cause or permit any child to suffer, or inflict thereon unjustifiable physical pain or mental suffering, or, having the care or custody of any child, to cause or permit the life or limb of such child to be endangered, or the health of such child to be injured, or to willfully cause or permit such child to be placed in such situation that its life or limb may be endangered, or its health likely to be injured. (Ord. 77-01 (part), 1977)

7.15.035 Minors--Drunk, immoral, vicious in presence of. It shall be unlawful for any person to, in the presence of any child, indulge in any degrading, lewd, immoral or vicious habits or practices, or be habitually drunk in the presence of any child in his care, custody or control. (Ord. 77-01 (part), 1977)

7.15.040 Alcoholic liquor--Sale. gift. delivery to certain persons prohibited. No person shall sell, furnish, give or deliver any alcoholic liquor to any person who is:

1. intoxicated.
2. under the age of 19 years.
3. a habitual drunkard or a habitual user of drugs.

The burden shall at all times be upon the licensee and his employees to determine the age and sobriety of any patron. (Ord. 77-01 (part), 1977)

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Chapter 7.20 -- Abandoned and Junked Vehicles

Sections:

- 7.20.010 Definitions.
- 7.20.015 Storing, parking or leaving abandoned or junked vehicles prohibited and declared nuisance; Exceptions.
- 7.20.020 Responsibility for removal.
- 7.20.025 Notice to remove; Notice procedure.
- 7.20.030 Content of notice to remove.
- 7.20.035 Procedure for hearing.
- 7.20.040 Removal of vehicle.
- 7.20.045 Notice of removal.
- 7.20.050 Vesting of title.
- 7.20.055 Redemption of impounded vehicles.
- 7.20.060 Disposition of vehicles.
- 7.20.065 Public auction.
- 7.20.070 Liability for removal.
- 7.20.075 Lien for expense of removal.
- 7.20.080 Waiver of claims for damages.
- 7.20.085 Penalty.

7.20.010 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.

Abandoned vehicle: Means any vehicle, as defined, 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.

Junked vehicle: Means any vehicle, as defined, 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.

Private property: Means any real property within the city that is privately owned and is not public property as defined in this section.

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Public property: Means 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.

Vehicle: Means 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 as defined in §10.10.010. (Ord. 95-13 §1, 1995)

7.20.015 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 the periods specified in §7.20.010(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

1. enclosed within a building on private property,

2. enclosed within a fence that prevents the vehicle from being seen from neighboring properties and public streets or highways, or

3. 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. 95-13 §1, 1995)

7.20.020 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. 95-13 §1, 1995)

7.20.025 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

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the public, a written notice to remove as prescribed in §7.20.030 shall be served upon any owner and lienholder 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 § 7.20.040 and a written notice of removal shall be given as prescribed in §7.20.045.

B. The chief of police or his designee shall give notice to remove to any owner and lienholder 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 lienholder 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 lienholder 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. 95-13 §1, 1995)

7.20.030 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 the 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. 95-13 §1, 1995)

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7.20.035 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. 95-13 §1, 1995)

7.20.040 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. 95-13 §1, 1995)

7.20.045 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 lienholder 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 §7.20.025(b). If the abandoned or junked vehicle is not registered in the state, or if the name and address of the owner and lienholder 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. 95-13 §1, 1995)

7.20.050 Vesting of title. Title to an impounded vehicle not reclaimed by the registered owner, a lienholder or other person entitled to possession within 30 days from the notice or removal vests with the city. (Ord. 95-13 §1, 1995)

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7.20.055 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 mayor may determine and fix for the actual and reasonable expense of removal, including any notice, advertising and sale expenses, plus ten dollars (\$10.00) per day for storage for each vehicle redeemed if stored in city facilities. (Ord. 95-13 §1, 1995; Ord. 07-06 § 3, 2007)

7.20.060 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 § 7.20.045. The city shall designate appropriate areas within its jurisdiction for the disposal of abandoned or junked vehicles.

C. If the vehicle reasonably appears to be valued at over one hundred fifty dollars (\$150.00), the mayor shall, upon expiration of the 30 days period required by § 7.20.045, 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. 95-13 § 1, 1995; Ord. 07-06 § 3, 2007)

7.20.065 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 mayor or his or her 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

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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. 95-13 §1, 1995; Ord. 07-06 § 3, 2007)

7.20.070 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. 95-13 §1, 1995)

7.20.075 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.

7.20.080 Waiver of claims for damages. An owner of an 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. 95-13 §1, 1995)

7.20.085 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 of Ordinances. (Ord. 95-13 §1, 1995)

Chapter 7.25 -- Disposal of Used Oil

Sections:

- 7.25.010 Definitions.**
- 7.25.015 Wrongful acts.**
- 7.25.020 Reporting requirements.**
- 7.25.025 Penalties.**

7.25.010 Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Improper disposal: Includes, but is not necessarily limited to, discharging, spilling, leaking or allowing to leak, pumping, pouring, emitting, emptying or dumping.

Used oil: Includes motor oil that has been used in a boat, automobile, ATV, aircraft, generator, or engine of any type; oil filters which contain used motor oil; and rags or other absorbents that contain used motor oil. (Ord. 2004-22, 2004)

7.25.015 Wrongful acts. It is unlawful to dispose of used oil improperly, whether intentionally or unintentionally, in the city. Improper disposal includes placing used oil in any location other than in a container designated specifically for the purpose of storing used oil. Locations where disposal is not proper include, but are not necessarily limited to: in or near bodies of water, including the ocean, boat harbors, creeks, streams, lakes and beaches; dumpsters; the landfill; on the ground; or in any other location that may cause negative effects to human or animal health or well-being, or harm to the environment. (Ord. 2004-22, 2004)

7.25.020 Reporting requirements. Any person causing or observing the improper disposal of used oil shall immediately report the incident to the King Cove Harbor, the King Cove Public Works Department or the King Cove Police Department. Large discharges may require additional reporting to ADEC. Such state or federal reporting requirements remain the responsibility of the individual causing or observing the incident in addition to the reporting requirements of the city code. (Ord. 2004-22, 2004)

7.25.025 Penalties. Every act prohibited by this chapter is unlawful. Violation of this chapter shall result in a minimum fine of fifty dollars (\$50.00). Any person causing the improper disposal of used oil shall also pay the actual costs of cleaning up the incident. (Ord. 2004-22, 2004)

Title 7 - Public Health, Peace and Safety