

Submitted by: ASSEMBLY MEMBER OSSIANDER
Prepared by: Assembly Counsel
Introduction of AO 2010-16: February 2, 2010
Public Safety Committee Meeting: March 10, 2010
Public Hearing: March 23, 2010

*Postponed indefinitely
4/27/10*

ANCHORAGE, ALASKA
AO NO. 2010-16(S)

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE CODE SECTION 9.28.035, ABATEMENT OF VEHICLES OPERATED
3 BY DELINQUENT OFFENDERS, TO ALLOW A NEW DEFENSE TO VEHICLE
4 IMPOUNDMENT.

5
6 THE ANCHORAGE ASSEMBLY ORDAINS:

7
8 **Section 1.** Anchorage Municipal Code section 9.28.035, Abatement of vehicles
9 operated by delinquent offenders, is hereby amended to read as follows (*language*
10 *indicating no amendment is included for context only; amendments to subsection*
11 *9.28.035L are set out on page 2; other text not amended is not set out*):

12
13 **9.28.035 Abatement of vehicles operated by delinquent offenders.**

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15 ***

16 L. **Except as identified in this subsection, proof a registered owner or**
17 **lienholder did not know [KNOWN] or could not reasonably have known the**
18 **vehicle was operated by another in violation of this section is [NOT] not a**
19 **defense to the requirements of release under subsection G. or H., as**
20 **applicable, or to an action under subsection I. The exceptions identified in**
21 **this subsection apply only when the seizure of the vehicle is**
22 **exclusively for abatement of vehicles under this section, and the**
23 **owner of the vehicle is neither the operator of the vehicle nor a person**
24 **who has accumulated delinquent traffic fines totaling more than**
25 **\$1,000.00. The person or entity claiming an exception under this**
26 **subsection must establish there is no reasonable basis for the**
27 **owner's accountability, and that at least one of the following**
28 **circumstances applies. Proof by affidavit alone is insufficient to**
29 **establish an exception.**

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31 **1. The vehicle owner was serving in a military post overseas when**
32 **the vehicle was seized while being operated by another.**

33
34 **2. The vehicle meets all state and local registration and emissions**
35 **inspection requirements, is owned by a bona fide rental car**
36 **agency, and was rented in good working order under written**
37 **agreement when the vehicle was seized.**

38
39 **3. The vehicle was stolen at the time it was seized, and the theft**
40 **was timely reported to the Anchorage Police Department or the**
41 **Alaska State Troopers.**

