

ORDINANCE NO. 5844

AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE SECTION
78-975, AUTHORIZING RECOVERY OF IGNITION INTERLOCK
DEVICES FROM IMPOUNDED MOTOR VEHICLES

WHEREAS, it is the intent of the City Council to amend current City ordinances so that the owner of an ignition interlock device can retrieve that device from impounded vehicles,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

Section 1. Fairbanks General Code Section 78-975 is amended as follows (new text in **underlined bold** font, deleted text in ~~strikeout~~ font):

Sec. 78-975. - Custody of vehicle; police department of public safety; private corporations; inventory, retrieval of ignition interlock devices.

(a) A motor vehicle seized for the purpose of forfeiture or impoundment should be held in the custody of the ~~City department of public safety~~ or a private **impound yard corporation** authorized by the ~~City department~~ to retain custody of the vehicle, subject only to the orders and decrees of the court having jurisdiction over any forfeiture or impoundment proceedings. When a motor vehicle is seized, the **Police Chief** ~~director of public safety~~ or an authorized designee may:

- (1) Remove the motor vehicle and any contents in the vehicle to a place designated by the court; or
- (2) Take custody of the motor vehicle and any contents of the vehicle and remove it to an appropriate location for disposition; **and**
- (3) Allow the owner of an ignition interlock device installed in a vehicle held pending forfeiture to retrieve the device upon a showing of proof of ownership and execution of a written agreement to assume liability for damage caused during retrieval. The City will cross check impounded vehicles against a data base provided by ignition interlock owners and notify device owners of vehicle impound. The fee for this service and access shall be as provided in the City Schedule of Fees and Charges for Service.**

(b) Following a forfeiture, the **Police Department** ~~of public safety~~ shall make an inventory of the contents of any motor vehicle seized. Personal property can be recovered from the vehicle in the same manner as set forth in section 78-973.

(c) A person in a forfeiture action claiming an interest in the property shall file, within 30 days after service or completion of publication, a notice of claim setting out the nature of the interest, the date it was acquired, the consideration paid, and an answer to the city's allegations. If a claim and answer is not filed within the required time, the motor vehicle must be forfeited to the city without further proceedings. For a regulated

lienholder, the notice of claim and answer is met by the filing of information required in section 78-966 and by adding to the affidavit a statement of the original amount of the loan giving rise to the lien and the current balance due on that loan.

(d) A claimant may petition the court for sale of a motor vehicle before final disposition of court proceedings. The court shall grant a petition for sale upon a finding that the sale is in the best interest of the city. Proceeds from the sale plus interest to the date of final disposition of the court proceedings become the subject of the forfeiture action.

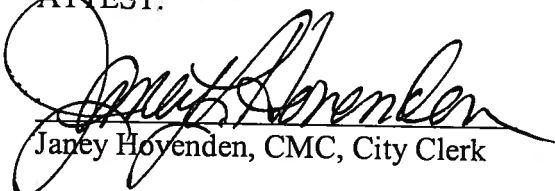
SECTION 2. That the effective date of this Ordinance shall be the 30th day of April 2011.



Jerry Cleworth, City Mayor

AYES: Bratcher, Roberts, Stiver, Matherly, Gatewood
NAYS: None
ABSENT: Eberhart
ADOPTED: April 25, 2011

ATTEST:



Janey Hoyenden, CMC, City Clerk

APPROVED AS TO FORM:



Paul J. Ewers, City Attorney