

**ORDINANCE NO. 6276**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE  
SECTION 78-398, AUTHORITY TO IMPOUND VEHICLES**

**WHEREAS**, Fairbanks General Code Sec. 78-398 regulates the authority to tow and impound vehicles on any street, alley, right of way, or City parking lot; and

**WHEREAS**, illegally parked vehicles often obstruct streets, alleys, and rights-of-way; and

**WHEREAS**, Public Works and the Engineering Department are responsible for maintaining open streets and rights-of-way but have limited enforcement authorities; and

**WHEREAS**, the City of Fairbanks recognizes the need for the City Engineer and Public Works Director to be authorized to remove vehicle obstructions.

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

**SECTION 1.** Fairbanks General Code Sec. 78-398 is hereby amended as follows [new text in **bold/underlined** font; deleted text in ~~strikethrough~~ font]:

**Sec. 78-398. Authority to impound vehicles; notice; hearing.**

(a) Whenever any vehicle ~~shall be~~is located or ~~is~~ standing upon any street, alley, right-of-way, or city parking lot in violation of the provisions of this article or any rule or regulation adopted pursuant to this article, or whenever such vehicle ~~could be~~is found to be a traffic safety hazard, or ~~whenever any vehicle shall be found to be~~ mechanically unsafe to operate upon the street or alley, the City Engineer, Director of Public Works, or any police officer may remove or have removed by a private towing company such vehicle to a place of storage.

(b) ~~or w~~Whenever the driver of any vehicle ~~shall be~~is found to be impaired or is taken into custody by an officer for an offense involving either driving while under the influence of alcoholic beverages or controlled substances, reckless driving, negligent driving, or any felony, any police officer may remove or have removed by a private towing company such vehicle to a place of storage. However, for any offense other than those cited in A.S. 28.35.030, A.S. 28.35.032, A.S. 28.15.291, or Fairbanks General Code Sec. 78-929, the officer shall inform the driver that the driver may elect to have another immediately available person, who is legally licensed to drive a motor vehicle, drive or otherwise remove the vehicle as the driver directs. The driver may designate the nearest available garage or tow car operator of their choosing to remove the

vehicle. If the driver does not so indicate, the officer shall make the arrangements necessary to remove the vehicle.

(c) When the owner or authorized representative of the owner of the vehicle claims it, ~~hethey~~ shall be informed of the nature and circumstances causing the impoundment of the vehicle and where and how ~~hethey~~ may obtain its release.

(bd) No person shall allow, permit, or suffer any vehicle registered in ~~his~~their name to stand or park upon or be operated upon any street in ~~this~~the city in violation of this article or any rule or regulation adopted or issued pursuant to this article.

(ce) The registered owner of a vehicle impounded under this section shall be provided with notice of and an opportunity for a post-towing hearing to determine whether sufficient and probable cause existed to sustain the towing. The hearing must be requested by the owner no later than seven days after the towing and shall be heard by the mayor no later than 48 hours after the demand for hearing. The hearing may be informal but ~~shall~~must provide the owner and the ~~police representative~~city official responsible for the impound the opportunity to present evidence, including but not limited to the presentation of relevant witnesses.

**SECTION 2.** The effective date of this ordinance is five days after adoption.




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David Pruhs, Mayor

AYES: Cleworth, Marney, Ringstad, Rogers, Sprinkle, Tidwell  
NAYS: None  
ABSENT: None  
APPROVED: February 26, 2024


ATTEST:

APPROVED AS TO FORM:



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For D. Danyielle Snider, MMC, City Clerk  
Colt Chase, Deputy City Clerk



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Thomas A. Chard II, City Attorney