

**CITY OF ADAK  
ORDINANCE 2021-124**

**AN ORDINANCE AMENDING THE ADAK CODE OF ORDINANCES ADOPTING  
CHAPTER 6.08 PARKING ON CITY ROADS AND RIGHTS OF WAY AND  
ADOPTING CHAPTER 7.04 ABANDONED VEHICLES**

**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ADAK,  
ALASKA:**

**SECTION 1:**        **ADOPTION** “6.08 PARKING ON CITY ROADS AND  
RIGHTS OF WAY” of the City of Adak Municipal Code is hereby *added* as follows:

**ADOPTION**

6.08 PARKING ON CITY ROADS AND RIGHTS OF WAY (*Added*)

**SECTION 2:**        **ADOPTION** “6.08.010 Parking During Snow Removal” of the  
City of Adak Municipal Code is hereby *added* as follows:

**ADOPTION**

6.08.010 Parking During Snow Removal (*Added*)

It shall be unlawful for any person to park any vehicle or to allow any vehicle owned or under the person’s control to continue to be parked on any public street during the time, day or night, that snow removal from such street is reasonably necessary for the movement of vehicular traffic without leaving in charge of such vehicle a person authorized, competent, and able to remove such vehicle. Falling snow, the presence of unremoved snow on such street, or the conduct of snow removal operations will be sufficient to indicate this prohibition. Any vehicle found parked during such periods on a public street where such snow removal is reasonably necessary may be immediately removed by the Director of Public Safety, Chief of Police, City Manager or their designee and such vehicle shall be impounded until the cost of such removal shall have been paid to the city. Any such charge remaining unpaid shall constitute a lien against said vehicle.

**SECTION 3:**        **ADOPTION** “6.08.020 Prohibited 24-Hour Parking” of the  
City of Adak Municipal Code is hereby *added* as follows:

ADOPTION

6.08.020 Prohibited 24-Hour Parking(*Added*)

It shall be unlawful for the owner or operator of any motor or other vehicle to leave, place, or park the same for 24 hours continuously on any street, highway, walk, or other public thoroughfare within the city service area. In addition to the penalty provided for violation of this section, any vehicle found parked for 24 hours continuously as herein prohibited shall be removed and impounded by any employee of the city designated by the City Manager and the removal and impounding costs shall be charged against the offending vehicle and paid before release of such vehicle.

**SECTION 4:**            **ADOPTION** “6.08.030 Standing Or Parking Close To Curb” of the City of Adak Municipal Code is hereby *added* as follows:

ADOPTION

6.08.030 Standing Or Parking Close To Curb(*Added*)

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway except as otherwise provided in this title.

**SECTION 5:**            **ADOPTION** “6.08.060 Stopping, Standing, Or Parking Prohibited - No Signs Required” of the City of Adak Municipal Code is hereby *added* as follows:

ADOPTION

6.08.060 Stopping, Standing, Or Parking Prohibited - No Signs Required(*Added*)

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

- A. On a sidewalk.
- B. In front of a public or private driveway.
- C. Within an intersection.
- D. Within 15 feet of a fire hydrant.
- E. On a crosswalk.
- F. Within 20 feet of a crosswalk at an intersection.

- G. Within 30 feet upon the approach of any stop sign, or traffic control signal located at the side of a roadway.
- H. Within 50 feet of the end of the Adak Airport runway 5, 23, 18 or 36.
- I. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
- J. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- K. Upon any bridge.
- L. At any place where official signs prohibit stopping.

**SECTION 6:**            **ADOPTION** “6.08.070 Parking Not To Obstruct Traffic” of the City of Adak Municipal Code is hereby *added* as follows:

ADOPTION

6.08.070 Parking Not To Obstruct Traffic(*Added*)

No person may stop, park, or leave standing a vehicle, whether attended or unattended, upon or within eight feet of a roadway, except where the roadway is of sufficient width and design to allow parking without interfering with the normal flow of traffic or with snow removal or other highway maintenance, and where the parking, stopping, or standing is not prohibited by an official traffic control device, unless directed to do so by an official flag person or police officer.

**SECTION 7:**            **ADOPTION** “6.08.080 Parking For Certain Purposes Prohibited” of the City of Adak Municipal Code is hereby *added* as follows:

ADOPTION

6.08.080 Parking For Certain Purposes Prohibited(*Added*)

No person shall park a vehicle upon any street or roadway for the principal purpose of:

- A. Displaying such vehicle for sale.
- B. Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

**SECTION 8:**            **ADOPTION** “6.08.090 Parking Adjacent To Schools” of the City of Adak Municipal Code is hereby *added* as follows:

ADOPTION

6.08.090 Parking Adjacent To Schools(*Added*)

- A. The director of public safety is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in the director’s opinion, interfere with traffic or create a hazardous situation.
- B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

**SECTION 9:**            **ADOPTION** “6.08.100 Parking Prohibited On Narrow Streets” of the City of Adak Municipal Code is hereby *added* as follows:

ADOPTION

6.08.100 Parking Prohibited On Narrow Streets(*Added*)

- A. The director of public safety is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.
- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

**SECTION 10:**            **ADOPTION** “6.08.110 No Stopping, Standing Or Parking Near Hazardous Or Congested Places” of the City of Adak Municipal Code is hereby *added* as follows:

ADOPTION

6.08.110 No Stopping, Standing Or Parking Near Hazardous Or Congested Places(*Added*)

- A. The director of public safety is hereby authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- B. When official signs are erected at hazardous or congested places as authorized herein,

no person shall stop, stand, or park a vehicle in any such designated place.

**SECTION 11:**        **ADOPTION** “6.08.120 Application Of Parking Provisions” of the City of Adak Municipal Code is hereby *added* as follows:

ADOPTION

6.08.120 Application Of Parking Provisions(*Added*)

The provisions of the sections prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

**SECTION 12:**        **ADOPTION** “6.08.130 Provisions Not Exclusive” of the City of Adak Municipal Code is hereby *added* as follows:

ADOPTION

6.08.130 Provisions Not Exclusive(*Added*)

The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

**SECTION 13:**        **ADOPTION** “6.08.140 Parking Prohibited At All Times On Certain Streets” of the City of Adak Municipal Code is hereby *added* as follows:

ADOPTION

6.08.140 Parking Prohibited At All Times On Certain Streets(*Added*)

All parking shall be prohibited on the following streets or the identified portions thereof:

- A. Main Road.
- B. Mechanical Street
- C. Kuluk Drive from Main Road to Bayshore Highway
- D. Finger Bay Road from Mechanical Street to Beverly Cove

**SECTION 14:**            **ADOPTION** “6.08.150 Parking Violations - Civil Fines” of the City of Adak Municipal Code is hereby *added* as follows:

A D O P T I O N

6.08.150 Parking Violations - Civil Fines(*Added*)

- A. All vehicle parking violations shall be subject to a civil fine in the amount of \$50.00.
- B. Failure to contact the Adak Police Department within 10 days of the date of the notice of violation and arrange a payment schedule for the fine acceptable to the police department, or to pay the fine for a parking violation within five days of the date of the notice of violation, or to file an appeal of a notice of violation within 10 days of the date of the notice of violation, will result in an additional fee equal to the amount of the civil fine being added to the original amount of the civil fine.

**SECTION 15:**            **ADOPTION** “6.08.160 Notice of Violation of Parking Restrictions” of the City of Adak Municipal Code is hereby *added* as follows:

A D O P T I O N

6.08.160 Notice of Violation of Parking Restrictions(*Added*)

A notice of violation of parking restrictions set out in this chapter may be issued by affixing a notice of violation to the vehicle that is parked in violation. The notice of violation shall include the following:

- A. A brief description of the violation
- B. The registration number and/or other identification of the vehicle, if available.
- C. The date and approximate time and place of the violation.
- D. The civil fine for the violation.
- E. The municipal office where the fine must be paid.
- F. Statement that unless within 10 days of the date of the notice of violation the Adak Police Department is contacted and an arrangement is made for payment of the fine acceptable to the police department, or the fine is paid within 10 days of the date of the notice, or an appeal is filed within 10 days of the date of notice, an additional fee equal to the amount of the civil fine will be added.
- G. Statement that a notice of violation may be appealed, the office where such an appeal must be filed, and the time for filing an appeal.
- H. Statement that timely payment, or acceptable arrangement for payment, of the fine will waive all rights to appeal the notice of violation.
- I. Statement that failure to timely appeal will be deemed an admission of the violation

and will waive all right to appeal or contest the notice of violation.

**SECTION 16:            ADOPTION** “6.08.170 Administrative Appeal” of the City of Adak Municipal Code is hereby *added* as follows:

A D O P T I O N

6.08.170 Administrative Appeal(*Added*)

- A. Right to Appeal and Time for Appeal. The owner of a vehicle which has been issued a notice of violation of parking restrictions may appeal the notice of violation by filing an appeal with the administration within 10 days of the date of the notice of violation. The administration shall prepare appeal forms which appellant may use.
- B. Hearing Officer. The City Council shall serve as hearing officer for notice of violation appeals and shall have authority to decide such appeals.
- C. Contents of Appeal. An appeal must be in writing and contain the following information:
  - 1. Name and mailing address of the appellant;
  - 2. Number or other sufficient identification of the notice of violation;
  - 3. Description of the vehicle;
  - 4. Statement of the reasons for the appeal;
  - 5. Any facts, documents, photographs, witness statements, or other evidence supporting the appeal; and
  - 6. Statement as to whether the appellant requests a hearing before a hearing officer, or whether the appeal can be decided without a hearing. If the appellant waives hearing, the hearing officer may decide the appeal based on the written statements of the appellant, the issuing officer’s and any witnesses’, and the hearing officer’s own observations.
- D. Administrative Hearing Procedures.
  - 1. Date of Hearing. Unless otherwise agreed by the appellant and the hearing officer, a hearing requested under this section shall be held no later than 15 days from the date the written notice of appeal is filed with the city administration.
  - 2. Procedure. The hearing shall be conducted informally and may be governed by such rules as the hearing officer may choose to establish, except that:
    - a. Parties may appear in person or through counsel;
    - b. Parties may present witnesses and evidence on their own behalf and witnesses may be cross-examined;
    - c. The hearing is not governed by the formal rules of evidence. The hearing officer may consider evidence that the officer reasonably deems to be both relevant and material to the contested issues;
    - d. All hearings shall be open to the public;
    - e. The hearing shall be memorialized by electronic recording or

stenographic record, but a failure to record the hearing shall not be grounds for invalidating the hearing officer's decision;

f. Failure of the appellant to appear at a hearing requested by the appellant shall waive all right to a hearing and shall render the amount of the fine due and owing.

3. Scope of Review. The hearing officer's decision shall be based on the law and facts applicable to the case. The hearing officer may exercise independent judgment and reasonable discretion, applied in a consistent manner, in deciding appeals and may affirm, modify, or dismiss the notice of violation.

4. Decision. No later than 10 days following the hearing, the hearing officer shall issue a written decision setting out the hearing officer's findings and conclusions so as to provide a clear understanding of the reasons for the decision entered. The decision shall be mailed or otherwise distributed to all parties to the appeal. The decision should also include the following statement:

This is the final decision of the municipality and a party disputing this decision has thirty (30) days from the date this decision was mailed or distributed to file an appeal with the Superior Court for the State of Alaska, Third Judicial District at Unalaska, Alaska, in accordance with the Alaska Rules of Appellate Procedure.

5. Judicial Appeal. The decision of the hearing officer may be appealed to the Superior Court for the State of Alaska, Third Judicial District at Unalaska, Alaska, in accordance with the Alaska Rules of Appellate Procedure.

**SECTION 17:** AMENDMENT "7.04 (RESERVED)" of the City of Adak Municipal Code is hereby *amended* as follows:

#### AMENDMENT

7.04 ~~(RESERVED)~~ ABANDONED VEHICLES

**SECTION 18:** ADOPTION "7.04.010 Abandonment Of Vehicle Unlawful" of the City of Adak Municipal Code is hereby *added* as follows:

#### ADOPTION

7.04.010 Abandonment Of Vehicle Unlawful(*Added*)

A. A person may not abandon a vehicle upon a highway or vehicular way or area.

B. A person may not abandon a vehicle upon public property or upon private property



without the consent of the owner or person in lawful possession or control of the property.

- C. A person who abandons a vehicle in a place specified in “A” or “B” of this section is considered responsible for the abandonment of the vehicle and is liable for the cost of its removal and disposition.
- D. Except as otherwise provided in (b) of this section, the lawful owner of a vehicle is considered responsible for the abandonment of the vehicle and is liable for the cost of removal and disposition of the abandoned vehicle unless

  - 1. The vehicle was abandoned by a person driving the vehicle without the permission of the owner; or
  - 2. The identity of the person abandoning the vehicle is established and the abandonment was without the consent of the owner.

**SECTION 19:**            **ADOPTION** “7.04.020 Presumption Of Abandonment” of the City of Adak Municipal Code is hereby *added* as follows:

A D O P T I O N

7.04.020 Presumption Of Abandonment(*Added*)

- A. A vehicle that reasonably appears to have been left unattended, standing, parked upon or within 10 feet of the traveled portion of a highway or vehicular way or area in excess of 96 hours, or a vehicle that reasonably appears to have been left standing or parked on private property in excess of 24 hours or upon other public property for more than 30 days, without the consent of the owner or person in charge of the property may be removed under and treated as an abandoned vehicle, unless the vehicle is reclaimed and removed before removal occurs. The director of public safety for good cause may make provisions for parking of vehicles on city property other than specified in this section.
- B. Notwithstanding other provisions of law, a wrecked or junk vehicle that reasonably appears to have been left unattended, standing, parked upon or within 10 feet of the traveled portion of a highway or vehicular way or area in excess of 48 hours, or a wrecked or junk vehicle that reasonably appears to have been left standing or parked on private property or other public property in excess of 24 hours and without the consent of the owner or person in charge of the property, may be removed under and treated as an abandoned vehicle, unless the vehicle is reclaimed and removed before removal occurs.
- C. In this section:

  - 1. "junk vehicle" means a vehicle that

    - a. is stripped, wrecked, or otherwise inoperable due to mechanical failure;
    - b. 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

c. is in a condition that exhibits more than one of the following elements:

- (1) missing or destroyed windows;
- (2) missing wheels or tires;
- (3) missing major body panels or parts; or
- (4) missing drive train parts.

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

**SECTION 20:**            **ADOPTION** "7.04.030 Removal Of Abandoned Vehicles" of the City of Adak Municipal Code is hereby *added* as follows:

A D O P T I O N

7.04.030 Removal Of Abandoned Vehicles(*Added*)

- A.** The Director of Public Safety, Chief of Police, or City Manager or their designee may remove or have removed to a place for storage a vehicle abandoned on a highway, on a vehicular way or area, or on private property.
- B.** Removal of an abandoned vehicle from private property shall be upon the written request of the owner or person in lawful possession or control of the property, and on a form prescribed by the department.
- C.** A written report of the removal shall be made by the city employee authorizing removal of a vehicle under this section, and the report shall be sent immediately to the City Administration and a copy of the report shall be given to the person who stores the property. The report must describe the vehicle, the date, time, and place of removal, the grounds for removal, and the place of impoundment of the vehicle

**SECTION 21:**            **ADOPTION** "7.04.040 Notice To Owners And Lienholders" of the City of Adak Municipal Code is hereby *added* as follows:

A D O P T I O N

7.04.040 Notice To Owners And Lienholders(*Added*)

The person or company, including the city, who stores an abandoned vehicle at the direction of an authorized city employee under shall within 30 days give notice to the vehicle owner and to lienholders of record stating the grounds for removal and the location of the place of impoundment of the vehicle. If legal owner or lienholder cannot be ascertained, notice shall be given by publication in the manner prescribed in the rules of the court for service of process by publication.

**SECTION 22:**            **ADOPTION** “7.04.050 Vesting Of Title” of the City of Adak Municipal Code is hereby *added* as follows:

ADOPTION

7.04.050 Vesting Of Title(*Added*)

Title to an impounded vehicle not reclaimed by the registered owner, a lienholder, or other person entitled to possession of the vehicle within 15 days from the notice given under 7.04.040 vests with the city.

**SECTION 23:**            **ADOPTION** “7.04.060 Redemption” of the City of Adak Municipal Code is hereby *added* as follows:

ADOPTION

7.04.060 Redemption(*Added*)

A person who presents satisfactory proof of ownership or right to possession may redeem a vehicle removed under this chapter at any time before an auction by paying the charges of towing, storage, notice, other cost of impoundment, and any applicable penalty imposed by law.

**SECTION 24:**            **ADOPTION** “7.04.070 Disposal Of Abandoned Vehicles” of the City of Adak Municipal Code is hereby *added* as follows:

ADOPTION

7.04.070 Disposal Of Abandoned Vehicles(*Added*)

- A.** Upon satisfaction of the notice and reporting requirements prescribed in this chapter, a vehicle may be disposed of by removal to a scrap yard or auto wrecker or municipal

landfill for disposal or by public auction 20 days after notice of the auction published in the city. The notice of auction must describe the vehicle and specify the place, date, and time at which it will be sold.

- B. A vehicle disposed of under this section by public auction must be titled under Alaska Statutes Chapter 28.10, and may not be subsequently sold without a certificate of title issued by the State of Alaska.

**SECTION 25:**            **ADOPTION** “7.04.080 Vehicle Ownership” of the City of Adak Municipal Code is hereby *added* as follows:

A D O P T I O N

7.04.080 Vehicle Ownership(*Added*)

For the purposes of this Chapter, ownership of a vehicle may be established by the following:

- A. State of Alaska issued Title. Title shall establish conclusive ownership.
- B. Other evidence satisfactory to the Director of Public Safety, the Chief of Police, the City Manager or their designee.
- C. Personal knowledge of the Director of Public Safety, the Chief of Police, the City Manager or their designee that an individual is generally known to be the owner or operator of the vehicle.

PASSED AND ADOPTED BY THE CITY OF ADAK COUNCIL

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	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Herendeen, Cory	_____	_____	_____	_____
Holsinger, Matt	_____	_____	_____	_____
McCune, Kat	_____	_____	_____	_____
Raymond, Emmitt	_____	_____	_____	_____
Spitler, Tom	_____	_____	_____	_____
Romberg, Tina	_____	_____	_____	_____
Liebelt, Daniel	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Thomas P. Spitler, Mayor, City of  
Adak

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Layton J. Lockett, City Manager City  
of Adak