

**City of Palmer
Action Memorandum No. 16-027**

Subject: Authorize the City Manager to File a Complaint Seeking Injunctive Relief to Abate a Junk Vehicle and Nuisance located at 444 N. Bonanza Street

Agenda of: March 22, 2016

Council Action: Authorized

Originator Information:

Originator: Sandra Garley
Date: 02-19-2016 **Requested agenda date:** 03-22-2016

Department Information:

Route to:	Department Director:	Signature:	Date:
<u> </u>	Community Development	<u><i>Sandra Garley</i></u>	<u>02-19-16</u>
<u> X </u>	Finance	<u><i>E. Moore</i></u>	<u>02-29-16</u>
<u> </u>	Fire Department	<u> </u>	<u> </u>
<u> </u>	Police Department	<u> </u>	<u> </u>
<u> </u>	Public Works	<u> </u>	<u> </u>

Approved for presentation by:

	Signature:	Remarks:
City Manager	<u><i>[Signature]</i></u>	<u> </u>
City Attorney	<u><i>[Signature]</i></u>	<u> </u>
City Clerk	<u><i>[Signature]</i></u>	<u> </u>

Certification of Funds:

Total amount of funds listed in this legislation: \$

This legislation (√):
 Has no fiscal impact Creates a positive impact in the amount of: \$
 Negative impact in the amount of: \$

Funds are (√):
 Budgeted Line item(s):
 Not budgeted Affected line item(s):

General fund assigned balance (after requested budget modification): \$
 Enterprise unrestricted net position (after requested budget modification): \$

Director of Finance Signature: *E. Moore*

Attachment(s):

- Memorandum from Kimberly McClure dated February 22, 2016
- Final Notice of Continuing Violation Letter from Michael Gatti to property owners and/or Resident dated February 12, 2016 with timeline dated October 30, 2015
- Citations issued on June 22, 2015, September 10, 2015 & October 22, 2015
- Letter from Kimberly McClure to property owners/occupant dated September 10, 2015
- PMC 1.08, General Penalty, PMC 8.37, Junk Vehicles & PMC 8.38, Nuisance – Junk, Litter and Unsightly Premises

Summary statement: AM 16-027 requests City Council authorization to file a law suit seeking injunctive relief on property located at 444 N. Bonanza Street to bring property into compliance with PMC 8.37, Junk Vehicles and PMC 8.38, Nuisances – Junk, Litter and Unsightly Premises.

Background: The front yard at 444 N. Bonanza Street contains a collection of trash, discarded furniture and appliances and is kept in a condition that creates a nuisance in violation of PMC 8.38 Nuisances – Junk, Litter and Unsightly Premises. In addition, the property contains a junk vehicle in public view which creates a nuisance in violation of PMC 8.37, Junk Vehicles.

Letters have been mailed to Jeffrey & Tresea Pigg, the property owners of record, and/or occupant eleven times since January 2015 regarding the junk vehicle and the condition of the property. The occupant, Aaron Lashbrook, has been contacted in person four times regarding the junk vehicle and condition of the property. While the occupant has made some effort on one occasion to clean-up, the property has continued to contain discarded items, junk, trash and a junk vehicle.

On June 22, 2015, two 1st offense citations were issued to Aaron Lashbrook; one for junk and litter on the property in public view in violation of PMC 8.38, Nuisance – Junk, Litter and Unsightly Premises and a second citation for a junk vehicle on the property in public view in violation of PMC 8.37, Junk Vehicles.

On September 10, 2015, two 2nd offense citations were issued to Aaron Lashbrook; one for junk and litter on the property in public view in violation of PMC 8.38, Nuisance – Junk, Litter and Unsightly Premises and a second citation for a junk vehicle on the property in public view in violation of PMC 8.37, Junk Vehicles.

On October 22, 2015, two 3rd offense citations were issued to Aaron Lashbrook; one for junk and litter on the property in public view in violation of PMC 8.38, Nuisance – Junk, Litter and Unsightly Premises and a second citation for a junk vehicle on the property in public view in violation of PMC 8.37, Junk Vehicles.

On February 16, 2016, a Final Notice of Continuing Violation letter from the City Attorney along with attached timeline dated October 30, 2015, PMC 1.08, General Penalty, PMC 8.37, Junk Vehicles and PMC 8.38, Nuisance – Junk, Litter and Unsightly Premises were personally delivered and received by Aaron Lashbrook.

Please reference Memorandum dated February 22, 2016 for chronological timeline showing violation notices sent to property owners.

Administration recommendation: Approve action memorandum no. 16-027.



MEMORANDUM

TO: Sandra Garley, Director
 FROM: Kimberly McClure, Planning & Code Compliance Tech.
 DATE: February 22, 2016
 SUBJECT: Timeline of events for 444 N. Bonanza Street – unsightly premise and junk vehicle

-
- January 22, 2015: The original complaint for this property was called in to our department regarding smashed car in driveway and smashed TVs in front yard. The owners of record are Jeffrey and Tresea L. Pigg; however, the person that has been living there and receiving the citations is named Aaron Ray Lashbrook (I believe he is Tresea Pigg's son). An initial letter regarding junk vehicle and unsightly premise was mailed on January 22, 2015 with deadline of February 6; no response received.
- February 13, 2015: A second letter regarding junk vehicle and unsightly premise was mailed with deadline of February 27, 2015; no response received.
- February 27, 2015: While conducting site visit, Aaron Lashbrook spoke with me and said he doesn't open his mom's mail and he had been cleaning up, but walked away while I was talking.
- March 9, 2015: Site visit conducted, showed TVs had been moved but still in front yard,
- March 12, 2015: Certified letter mailed regarding junk vehicle and unsightly premise stating some progress had been made; deadline of March 27, 2015; certified letter was returned to office on April 8 with a forwarding address.
- April 8, 2015: A certified letter was mailed to the forwarding address regarding junk vehicle and unsightly premise; letter was returned to our office on May 4.
- May 5, 2015: A final notice violation letter was mailed out to all addresses; no response received.
- May 12, 2015: A second complaint was received regarding the TVs in the yard, broken windows on house and trash in yard.
- May 20, 2015: Officer Szipszky accompanied me to hand deliver 2 separate final notice letters giving 30-day notice (one for junk vehicle and one for unsightly premise). Aaron was at house and he was advised of the violations; Aaron stated he did not open his mom's mail, Sgt. Szipszky advised Aaron that he had been served with the letters.

- May 20, 2015: A Certified Return Receipt letter was mailed to Angelic Used Cars, LLC, owner of record of junk vehicle, per DMV, regarding the status of the junk vehicle located at 444 N. Bonanza Street, Palmer. No receipt or response received.
- June 16, 2015: A third complaint was received regarding trash in front yard.
- June 17, 2015: A fourth complaint was received on June 17, 2015 regarding trash in yard, smashed car, broken TVs in yard and couch in yard.
- June 22, 2015: Officer Krauss issued the **1st offense citations** for violation of PMC 8.37 Junk vehicles and PMC 8.38, Nuisance – Junk, Litter and Unsightly premise. We also delivered 30-day notice letters for 2nd offense violation. (no answer at door, letters and citations taped to front door.)
- July 15, 2015: Contacted OneWest Bank, lender of record by Assignment for property, spoke with Yolanda who said the Deed of Trust is currently serviced by Ocwen and gave their phone number. Contacted Ocwen and was transferred numerous times, finally spoke with Madhavi in the research department at Ocwen who said I am not authorized to receive any information, she can't give out any information. She gave me the mailing address of where I can mail a letter regarding the status of this property.
- July 16, 2015: A Certified Return Receipt Letter was mailed and emailed to Ocwen Loan Servicing to advise lender of violations, issued citations and pending legal action for the property located at 444 N. Bonanza Street. The return receipt was received with a stamp showing Earl Hill, agent as receiver.

*Site visit on July 23 showed progress had been made; Officer Szipszky accompanied me to deliver progress letter on July 23 with deadline of August 23; no one answered, letter taped to door. August 20, I was accompanied by Officer Krauss to deliver reminder letter of upcoming deadline; no one answered door, letter was taped to door. On August 25, I met Sgt. Szipszky at location, he was talking with Aaron Lashbrook who said he was working on having junk car removed and would remove mattress and water tank but would need more time. Sgt. Szipszky gave him deadline of September 8 and advised him of continuing citations and fines if not in compliance. *

September 10, 2015: Officer Gipson issued the **2nd offense citations** for violation of PMC 8.37 & 8.38; we also delivered 30-day notice letters for 3rd offense violation (no answer, citations and letters taped to front door)

September 23, 2015: Letter was mailed to James Ryherd at 3330 N. Edgewater Drive, Wasilla, AK asking him to contact our office with any contact information for Aaron Lashbrook, Jeffrey and Tresea Pigg. (On the citation issued on September 10, 2015, an address of 3330 N. Edgewater Drive, Wasilla, AK was shown as a mailing address for Aaron Lashbrook; the property owner of 3330 N. Edgewater Drive, Wasilla, AK according to Borough tax records is James Ryherd.)

- October 22, 2015: Officer Hammons issued the **3rd offense citations** for violation of PMC 8.37 & 8.38 (no answer, citations taped to front door of house)
- October 22, 2015: The junk vehicle and water tank remains in the front yard along with a mattress, chair and what appears to be a TV. The letters, citations and file notes and recent pictures are attached.
- October 30, 2015: This morning, I received a phone call from Virginia with Palmer Police Department saying they had made contact with Aaron Lashbrook. He did confirm that he has been receiving the letters but disregarding them. An email was sent to Sandra Garley with a timeline of events to forward to our City Attorney requesting a letter from the City Attorney which may be helpful since letters from our office don't appear to be productive.
- February 16, 2016: Officer Dolphin and Mooney accompanied me to hand deliver the Final Notice of Continuing Violation letter dated February 12, 2016 from the City Attorney to 444 N. Bonanza Street. Aaron Lashbrook was home and signed for receipt of the documents. Site visit pictures show the junk vehicle, water tank, washing machine, couch and other junk in the front yard in public view.
- February 19, 2016: An anonymous person stopped by the office to complain about the junk at 444 N. Bonanza Street and the house located 2 doors down (464 N. Bonanza Street). I mentioned that the house at 444 N. Bonanza Street is already being handled by our department and is in the process of seeking City Council authorization to file a law suit against this property.
- February 19, 2016: Per email from Samantha Tomasi, currently water has been shut off since December 10, 2014 for nonpayment, outstanding balance of \$329.45 and sewer cannot be shut off but is not billed as it is based on water usage.



DEPARTMENT OF COMMUNITY DEVELOPMENT

Sandra Garley
Director

David Meneses
Building Inspector

Beth Skow
Library Director

Mail: 231 W. Evergreen Ave.
Location: 645 E. Cope Industrial Way
Palmer, AK 99645-6748
Phone: 907-745-3709
Fax: 907-745-5443
www.cityofpalmer.org

On February 16, 2016, I was accompanied by Officer Dolphin + Morrell of the Palmer Police Department to deliver the attached Final Notice of Continuing Violation from Jermain Dunnagen & Owens, P.C. to the owner of record or occupant at 444 North Bonanza Street, Palmer, Alaska, MSB tax ID #5021B12L005 for violation of PMC 8.37, Junk Vehicles and PMC 8.38, Nuisance – Junk, Litter and Unsightly Premises.

Kimberly A. McClure
Kimberly A. McClure
Planning & Code Compliance Technician

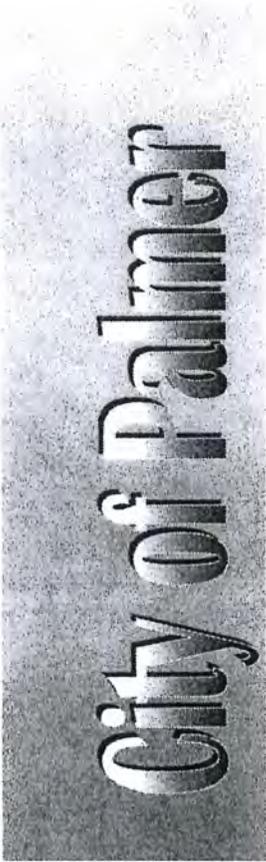
2-16-16
Date

Joel D. Dolphin
Officer's name: Joel D. Dolphin

2/16/16
Date

Jermain Dunnagen & Owens
Occupant or Owner

- Enclosures: Final Notice of Continuing Violation letter dated February 12, 2016
- Timeline Memo dated October 30, 2015
- PMC 1.08, General Penalty
- PMC 8.37 Junk Vehicles
- PMC 8.38 Nuisance – Junk, Litter & Unsightly Premise





Jermain Dunnagan & Owens, P.C.

LAW OFFICES

3000 A STREET, SUITE 300
ANCHORAGE, ALASKA 99503-4097

SERVING ALASKANS SINCE 1976

William K. Jermain (1939-2012)
Bradley D. Owens, Retired

TELEPHONE (907) 563-6844
FAX (907) 563-7322
www.jdolaw.com

February 12, 2016

Jeffrey and Tresea L. Pigg
Owners
444 N. Bonanza Street
Palmer, AK 99645

Resident
444 N. Bonanza Street
Palmer, AK 99645

Re: Final Notice of Continuing Violation

Dear Jeffrey and Tresea L. Pigg:

The City of Palmer ("City") has notified you of a continuing violation of PMC 8.37 and PMC 8.38 (attached) caused by junk and trash, including a junk vehicle, on the property referenced above. Despite numerous notices you have failed or refused to abate these violations. The attached memorandum dated October 30, 2015 from Kimberly McClure, Planning & Code Compliance Technician, provides a timeline and correspondence memorializing the City's attempts to abate this continuing violation over time PMC 8.38.075 Remedies provides:

- A. If the junk or litter is not properly disposed of or the unsightliness cured within 30 days after receipt of the final notice, the property owner and/or occupant is subject to the enforcement procedures as stated in PMC 1.08.011 or 1.08.013.
- B. After first confirmation and documentation (including photography) that the condition of the property has not changed sufficiently to comply with the terms of the final notice, the zoning administrator may issue a ticket.

February 12, 2016

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C. In circumstances where appropriate, given the magnitude of the offense or continuous noncompliance including without limitation offenders who fail to comply with the final notice even after conviction or repeat offenders, the zoning administrator may obtain city council approval to commence a lawsuit requesting a remedy allowed under PMC 1.08.013 or at law.

Please remedy this violation within 30 days of receipt of this notice otherwise a complaint will be filed in the Superior Court pursuant to PMC 1.08.013 which provides:

The city may institute a civil action against a person, including a minor as provided in AS 29.25.072, who violates an ordinance. A person who violates a provision of this code may be subject to injunctive relief, compensatory relief, and a civil penalty not to exceed \$1,000 for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or threatened violation, the superior court shall grant the injunction. Each day that a violation of a provision of this code continues constitutes a separate violation. This section does not bar other civil remedies.

The City looks forward to your prompt abatement of this serious continuing violation.

Sincerely,

JERMAIN, DUNNAGAN & OWENS, P.C.



Michael Gatti

MG/es

607780

Attachments: Memorandum containing Timeline of Notifications to Property Owner

cc: Sandra Garley

Director – Department of Community Development

Kimberly McClure

Planning & Code Compliance Technician



DEPARTMENT OF COMMUNITY DEVELOPMENT

Sandra Garley
Director

David Meneses
Building Inspector

Beth Skow
Library Director

MEMORANDUM

TO: Sandra Garley, Director
FROM: Kimberly McClure, Planning & Code Compliance Tech. *K.M.C.*
DATE: October 30, 2015
SUBJECT: Timeline of events for 444 N. Bonanza Street – unsightly premise
and junk vehicle

The original complaint for this property was called in to our department on January 22, 2015 regarding smashed car in driveway and smashed TVs in front yard. The owners of record are Jeffrey and Tresea L. Pigg; however, the person that has been living there and receiving the citations is named Aaron Ray Lashbrook (I believe he is Tresea Pigg's son). An initial letter regarding junk vehicle and unsightly premise was mailed on January 22, 2015 with deadline of February 6; no response received.

On February 13, 2015, second letter regarding junk vehicle and unsightly premise was mailed with deadline of February 27, 2015; no response received.

While conducting site visit on February 27, Aaron Lashbrook spoke with me and said he doesn't open his mom's mail and he had been cleaning up, but walked away while I was talking.

Site visit on March 9, showed TVs had been moved but still in front yard, sent certified letter on March 12 regarding junk vehicle and unsightly premise stating some progress had been made; deadline of March 27, 2015; certified letter was returned to office on April 8 with a forwarding address.

On April 8, a certified letter was mailed to the forwarding address regarding junk vehicle and unsightly premise; letter was returned to our office on May 4.

On May 5, 2015, a final notice violation letter was mailed out to all addresses; no response received.

A second complaint was received May 12, 2015 regarding the TVs in the yard, broken windows on house and trash in yard.

On May 20, 2015, Officer Szipszky accompanied me to hand deliver 2 separate final notice letters giving 30 day notice (one for junk vehicle and one for unsightly premise). Aaron was at house and he was advised of the violations; Aaron stated he did not open his mom's mail, Sgt. Szipszky advised Aaron that he had been served with the letters.

A third complaint was received on June 16, 2015 regarding trash in front yard.

A fourth complaint was received on June 17, 2015 regarding trash in yard, smashed car, broken TVs in yard and couch in yard.

On the following dates, citations were issued along with hand delivering 30 day notice violation letters:

- June 22, 2015 Officer Krauss issued the **1st offense citations** for violation of PMC 8.37 Junk vehicles and PMC 8.38, Nuisance – Junk, Litter and Unsightly premise. We also delivered 30 day notice letters for 2nd offense violation. (no answer at door, letters and citations taped to front door.)

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- September 10, 2015 Officer Gipson issued the **2nd offense citations** for violation of PMC 8.37 & 8.38; we also delivered 30 day notice letters for 3rd offense violation (no answer, citations and letters taped to front door)
- October 22, 2015 Officer Hammons issued the **3rd offense citations** for violation of PMC 8.37 & 8.38 (no answer, citations taped to front door of house)

As of October 22, the junk vehicle and water tank remains in the front yard along with a mattress, chair and what appears to be a TV.

The letters, citations and file notes and recent pictures are attached.

This morning, I received a phone call from Virginia with Palmer Police Department saying they had made contact with Aaron Lashbrook, he did confirm that he has been receiving the letters but disregarding them.

A letter from the City Attorney may be helpful since letters from our office don't appear to be productive.

Defendant Lashbrook, Aaron Ray Citation # PALZE000004760011
Plaintiff City of Palmer Agency Palmer Police Department Agency Case # 15-3405

CITATION FOR **MINOR OFFENSE** **MISDEMEANOR** **AS 04.16.050(b) & (c) Minor Consuming**
F&G Offense charged as strict liability violation Yes No

District Court at Palmer Judicial District 3rd Court Case # _____

Defendant	DOB <u>03/25/1990</u> Age <u>25</u> Driver Lic _____ State <u>AK</u> Class <u>ID</u> APSIN ID _____
	Hair <u>BRO</u> Eyes <u>HAZ</u> Race <u>W</u> Sex <u>M</u> Ht <u>5' 10"</u> Wt <u>165</u> Hm Ph _____ Wk Ph _____
	Res Addr <u>444 N. Bonanza, Palmer, AK 99645</u>
	Mail Addr <u>444 N. Bonanza, Palmer, AK 99645</u> Employer _____

Vehicle	Lic/Reg _____ St _____ Expires _____ / _____ Yr _____ Make _____ Model _____ Color _____ VIN _____
	Commercial: <input type="checkbox"/> > 10,000 lbs <input type="checkbox"/> > 26,000 lbs <input type="checkbox"/> > 15 psngr <input type="checkbox"/> HazMat DOT INSP# _____ USDOT # _____

Offense	Date/Time <u>6/22/15</u> <u>14:30</u> ATN _____ CTN _____ Code <u>Z</u> <input type="checkbox"/> Hwy Work Zone <input type="checkbox"/> Safety Corridor
	Location <u>444 N. Bonanza</u> <u>Palmer</u> Loc Code <u>HECF</u>
	ORDINANCE <u>PMC8.37.020: Junk Vehicles Unlawful (1st Offense)</u>

Damage Only Injury Fatality Commercial Fishing

Item(s) Seized that can be forfeited per AS 16.05.190, AS 04.16.205, or other statute/ordinance (list other statute/ordinance: _____):

Game Restitution amount for _____ taken illegally: _____ AS 16.05.925(b) for mandatory appearance offense only.

PENALTY: Driver License Points _____ Fine **\$75.00** Surcharge **\$10.00** TOTAL DUE **\$85.00**

I have probable cause to believe defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I served this citation on this date by leaving it on the property that is the subject of the offense.

PHILIP KRAUSS KRAUSS, PHILIP PBK0M 06/22/2015
Officer's Signature Officer's Printed Name I.D. Date Served on Defendant

OFFICER'S NOTES FOR TESTIFYING IN COURT

Please note facts and circumstances in addition to those checked on face of citation that is: 1. Any specific action of violator which increased the hazard of the violation; 2. Where violation was observed and where contact was made; 3. Total distance traveled during pursuit; 4. Statements by violator and general attitude.

Officer Narrative



CITATION FOR **MINOR OFFENSE** **MISDEMEANOR** **AS 04.16.050(b) & (c) Minor Consuming**

F&G Offense charged as strict liability violation Yes No

District Court at Palmer Judicial District 3rd Court Case # _____

Defendant	DOB <u>03/25/1990</u> Age <u>25</u> Driver Lic _____ State <u>AK</u> Class <u>ID</u> APSIN ID _____
	Hair <u>BRO</u> Eyes <u>HAZ</u> Race <u>W</u> Sex <u>M</u> Ht <u>5' 10"</u> Wt <u>165</u> Hm Ph _____ Wk Ph _____
	Res Addr <u>444 N. Bonanza, Palmer, AK 99645</u> Mail Addr <u>444 N. Bonanza, Palmer, AK 99645</u> Employer _____
Vehicle	Lic/Reg _____ St _____ Expires _____ / _____ Yr _____ Make _____ Model _____ Color _____ VIN _____
	Commercial: <input type="checkbox"/> > 10,000 lbs <input type="checkbox"/> > 26,000 lbs <input type="checkbox"/> > 15 psngr <input type="checkbox"/> HazMat DOT INSP# _____ USDOT # _____
Offense	Date/Time <u>6/22/15</u> <u>14:30</u> ATN _____ CTN _____ Code <u>ZZZ</u> <input type="checkbox"/> Hwy Work Zone <input type="checkbox"/> Safety Corridor
	Location <u>444 N. Bonanza</u> <u>Palmer</u> Loc Code <u>HECF</u>
	ORDINANCE PMC8.38: Nuisance - Junk, Litter and Unsightly Premises (1st Offense)
	<input type="checkbox"/> Damage Only <input type="checkbox"/> Injury <input type="checkbox"/> Fatality <input type="checkbox"/> Commercial Fishing
Item(s) Seized that can be forfeited per AS 16.05.190, AS 04.16.205, or other statute/ordinance (list other statute/ordinance: _____):	
Game Restitution amount for _____ taken illegally: _____ AS 16.05.925(b) for mandatory appearance offense only.	
PENALTY: Driver License Points _____ Fine \$75.00 Surcharge \$10.00 TOTAL DUE \$85.00	

I have probable cause to believe defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I served this citation on this date by leaving it on the property that is the subject of the offense.

PHILIP KRAUSS KRAUSS, PHILIP PBK0M 06/22/2015
 Officer's Signature Officer's Printed Name I.D. Date Served on Defendant

OFFICER'S NOTES FOR TESTIFYING IN COURT

Please note facts and circumstances in addition to those checked on face of citation that is: 1. Any specific action of violator which increased the hazard of the violation; 2. Where violation was observed and where contact was made; 3. Total distance traveled during pursuit; 4. Statements by violator and general attitude.

Officer Narrative



CITATION FOR **MINOR OFFENSE** **MISDEMEANOR** **AS 04.16.050(b) & (c) Minor Consuming**
F&G Offense charged as strict liability violation Yes No

District Court at Palmer Judicial District 3rd Court Case # _____

Defendant	DOB <u>03/25/1990</u> Age <u>25</u> Driver Lic _____ State <u>AK</u> Class <u>ID</u> APSIN ID _____
	Hair <u>BRO</u> Eyes <u>HAZ</u> Race <u>W</u> Sex <u>M</u> Ht <u>5' 10"</u> Wt <u>165</u> Ph _____ Wk Ph _____
	Res Addr <u>444 N Bonanza Street, Palmer, AK 99645</u>
	Mail Addr <u>3330 N Edgewater Drive, Wasilla, AK 99654</u> Employer _____

Vehicle	Lic/Reg <u>CJP144</u> St <u>AK</u> Expires <u>02 / 2014</u> Yr <u>1990</u> Make <u>CADI</u> Model <u>Seville</u> Color <u>Blu</u> VIN _____
	Commercial: <input type="checkbox"/> > 10,000 lbs <input type="checkbox"/> > 26,000 lbs <input type="checkbox"/> > 15 psngr <input type="checkbox"/> HazMat DOT INSP# _____ USDOT # _____

Offense	Date/Time <u>9/10/15</u> <u>13:28</u> ATN _____ CTN _____ Code <u>ZZZ</u> <input type="checkbox"/> Hwy Work Zone <input type="checkbox"/> Safety Corridor
	Location <u>444 N Bonanza Street</u> <u>Palmer</u> Loc Code <u>HECF</u>
	ORDINANCE <u>PMC8.38: Nuisance - Junk, Litter and Unsightly Premises (1st Offense)</u> <input type="checkbox"/> Damage Only <input type="checkbox"/> Injury <input type="checkbox"/> Fatality <input type="checkbox"/> Commercial Fishing

Item(s) Seized that can be forfeited per AS 16.05.190, AS 04.16.205, or other statute/ordinance (list other statute/ordinance: _____):

PENALTY: Driver License Points _____ Fine **\$150.00** Surcharge **\$10.00** TOTAL DUE **\$160.00**

I have probable cause to believe defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I served this citation on this date by leaving it on the property that is the subject of the offense.

<u>JAMES GIPSON</u>	<u>GIPSON, JAMES</u>	<u>RJCG0</u>	<u>09/10/2015</u>
Officer's Signature	Officer's Printed Name	I.D.	Date Served on Defendant

REQUIRED RESPONSE

OPTIONAL COURT APPEARANCE. Within 30 days, you must check one of the boxes below, provide the requested information, and mail or deliver it to: 435 S. Denali Street, Palmer, AK 99645 NOTE: If you plead **NO CONTEST**, you may be able to pay online at: www.courtrecords.alaska.gov. If you pay online, you do **not** need to fill out or mail/deliver this form.

- I plead **NO CONTEST**. I am enclosing a check or money order payable to City of Palmer for the total due: **\$160.00** (Do not send cash.) I understand that
 1. I am giving up my right to a trial and the other rights listed below.
 2. A judgment of conviction will be entered against me.
 3. The number of points shown above will be assessed against my driver's license.
 4. Any seized item listed on this citation will be forfeited.
 5. If this is my second or subsequent conviction for an optional appearance fish and game offense in the last two years, an action may be filed to revoke my license under AS 16.05.410(g).
 6. If this is a commercial fishing offense, points may be assessed against my fishing permit.
- I plead **NOT GUILTY** and request a trial. I have read and understand my rights listed below. (Do not send money. The court will send you notice of the trial date.)
- I do not wish to enter a plea at this time. I want to appear in court to have a judge explain the charges and my rights to me before I enter a plea. (The clerk will give you a date and time to appear. This is **NOT** a trial.)

Signature: _____ Date: _____ Day Phone: _____ Cell: _____

Mailing Address: _____

If you come to court, bring this citation with you. If under 18, you must bring your parent or guardian.

CONSEQUENCES FOR FAILURE TO RESPOND

- If you fail to respond within 30 days**, a default judgment will be entered against you for:
- The total due listed above, \$50 in court and collection costs, & forfeiture of any seized item listed above.
 - If this offense involves a moving motor vehicle, points will be assessed against your driver's license.
 - If this is a commercial fishing offense, points may be assessed against your fishing permit.

Efforts to collect this judgment will include attachment of your **Permanent Fund Dividend**.

YOU HAVE THE RIGHT TO

1. A trial;
2. Hire a lawyer to represent you in court;
3. Confront and question witnesses;
4. Testify; and
5. Have subpoenas issued to compel witnesses to appear on your behalf.



Defendant Copy to Keep

CITATION FOR **MINOR OFFENSE** **MISDEMEANOR** **AS 04.16.050(b) & (c) Minor Consuming**

F&G Offense charged as strict liability violation Yes No

District Court at Palmer Judicial District 3rd Court Case # _____

Defendant	DOB <u>03/25/1990</u> Age <u>25</u> Driver Lic _____ State <u>AK</u> Class <u>ID</u> APSIN ID _____
	Hair <u>BRO</u> Eyes <u>HAZ</u> Race <u>W</u> Sex <u>M</u> Ht <u>5' 10"</u> Wt <u>165</u> Ph _____ Wk Ph _____
	Res Addr <u>444 N Bonanza Street, Palmer, AK 99645</u>
	Mail Addr <u>3330 N Edgewater Drive, Wasilla, AK 99654</u> Employer _____

Vehicle	Lic/Reg <u>CJP144</u> St <u>AK</u> Expires <u>02 / 2014</u> Yr <u>1990</u> Make <u>CADI</u> Model <u>Seville</u> Color <u>Blu</u> VIN _____
	Commercial: <input type="checkbox"/> > 10,000 lbs <input type="checkbox"/> > 26,000 lbs <input type="checkbox"/> > 15 psngr <input type="checkbox"/> HazMat DOT INSP# _____ USDOT # _____

Offense	Date/Time <u>9/10/15</u> <u>13:28</u> ATN _____ CTN _____ Code <u>Z</u> <input type="checkbox"/> Hwy Work Zone <input type="checkbox"/> Safety Corridor
	Location <u>444 N Bonanza Street</u> <u>Palmer</u> Loc Code <u>HECF</u>
	ORDINANCE <u>PMC8.37.020: Junk Vehicles Unlawful (1st Offense)</u> <input type="checkbox"/> Damage Only <input type="checkbox"/> Injury <input type="checkbox"/> Fatality <input type="checkbox"/> Commercial Fishing

Item(s) Seized that can be forfeited per AS 16.05.190, AS 04.16.205, or other statute/ordinance (list other statute/ordinance: _____):

PENALTY: Driver License Points _____ Fine **\$150.00** Surcharge **\$10.00** TOTAL DUE **\$160.00**

I have probable cause to believe defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I served this citation on this date by leaving it on the property that is the subject of the offense.

JAMES GIPSON GIPSON, JAMES RJCG0 09/10/2015
Officer's Signature Officer's Printed Name I.D. Date Served on Defendant

REQUIRED RESPONSE

OPTIONAL COURT APPEARANCE. Within 30 days, you must check one of the boxes below, provide the requested information, and mail or deliver it to: 435 S. Denali Street, Palmer, AK 99645 NOTE: If you plead **NO CONTEST**, you may be able to pay online at: www.courtrecords.alaska.gov. If you pay online, you do **not** need to fill out or mail/deliver this form.

- I plead **NO CONTEST**. I am enclosing a check or money order payable to **City of Palmer** for the total due: **\$160.00** (Do not send cash.) I understand that
1. I am giving up my right to a trial and the other rights listed below.
 2. A judgment of conviction will be entered against me.
 3. The number of points shown above will be assessed against my driver's license.
 4. Any seized item listed on this citation will be forfeited.
 5. If this is my second or subsequent conviction for an optional appearance fish and game offense in the last two years, an action may be filed to revoke my license under AS 16.05.410(g).
 6. If this is a commercial fishing offense, points may be assessed against my fishing permit.
- I plead **NOT GUILTY** and request a trial. I have read and understand my rights listed below. (Do not send money. The court will send you notice of the trial date.)
- I do not wish to enter a plea at this time. I want to appear in court to have a judge explain the charges and my rights to me before I enter a plea. (The clerk will give you a date and time to appear. This is **NOT** a trial.)

Signature: _____ Date: _____ Day Phone: _____ Cell: _____

Mailing Address: _____

If you come to court, bring this citation with you. If under 18, you must bring your parent or guardian.

CONSEQUENCES FOR FAILURE TO RESPOND

If you fail to respond within 30 days, a default judgment will be entered against you for:

- The total due listed above, \$50 in court and collection costs, & forfeiture of any seized item listed above.
- If this offense involves a moving motor vehicle, points will be assessed against your driver's license.
- If this is a commercial fishing offense, points may be assessed against your fishing permit.

Efforts to collect this judgment will include attachment of your **Permanent Fund Dividend**.

YOU HAVE THE RIGHT TO

1. A trial; 2. Hire a lawyer to represent you in court; 3. Confront and question witnesses; 4. Testify; and 5. Have subpoenas issued to compel witnesses to appear on your behalf.



Defendant Lashbrock Aaron Ray Agency ID PALZP
 Plaintiff City of Palmer Agency Palmer PD Agency case # 15-4673, 15-5326

CITATION FOR MINOR OFFENSE MISDEMEANOR AS 04.16.050(b) & (c) Minor Consuming
 F&G Offense charged as strict liability violation Yes No

District Court at Palmer Judicial District: 3rd Court Case# _____

DEFENDANT	DOB <u>3/25/90</u> Age <u>25</u> Driver's Lic _____ State <u>AK</u> Class <u>ID</u> APSIN ID _____
	Hair <u>Brn</u> Eyes <u>Haz</u> Race <u>W</u> Sex <u>M</u> Ht <u>5'10"</u> Wt <u>165</u> Ph _____ Wk Ph _____
VEHICLE	Res Addr <u>444 N. Bonanza St. Palmer AK 99645</u>
	Mail Addr <input type="checkbox"/> Same <u>3330 N. Edgewater Dr. Wasilla 99654</u> Employer _____
OFFENSE	Lic/Reg _____ St _____ Expires _____ Yr _____ Make _____ Model _____ Color _____ ADF&G _____
	Commercial: <input type="checkbox"/> Over 10,000 lbs <input type="checkbox"/> Over 26,000 lbs <input type="checkbox"/> Over 15 psngr <input type="checkbox"/> HazMat DOT INSP# _____ USDOT# _____
	Date <u>10/22/15</u> Time <u>1530</u> ATN _____ CTN _____ Code _____
	Location <u>444 N. Bonanza St.</u> Loc. Code _____ <input type="checkbox"/> Hwy Work Zone <input type="checkbox"/> Safety Corridor
	<input type="checkbox"/> Statute <input type="checkbox"/> Regulation <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Adopted by reference Section _____
Offense: <u>PMC 08.37.020(a)</u>	
Over Limit _____ MPH in a _____ MPH Zone <input type="checkbox"/> Damage Only <input type="checkbox"/> Injury <input type="checkbox"/> Fatality <input type="checkbox"/> Commercial Fishing	
Item(s) Seized that can be forfeited per AS 16.05.190, AS 04.16.205 or other statute/ordinance (list other statute/ordinance: _____):	
Game Restitution amount for _____ taken illegally: \$ _____ AS 16.05.925(b) for mandatory appearance offense only.	

PENALTY Driver License Points _____ Bail/Fine \$ 300 Surcharge \$ 10 Total Due \$ 310

I have probable cause to believe the defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I personally served this citation on the defendant.

[Signature] Officer's Signature Kimic Harmon Officer's Printed Name 16112 ID 10/22/15 1530 Date Served on Defendant

REQUIRED RESPONSE

- MANDATORY COURT APPEARANCE. You must appear on _____ at _____ AM/PM.
If you fail to appear: For a misdemeanor or a minor consuming alcohol charge, a warrant will be issued for your arrest. For a minor offense, a default judgment will be entered against you as explained on the back of this citation.
 Court's Physical Address: _____
- CORRECTABLE. This citation will be dismissed if, **within 30 days**, you:
 - Correct the defect and present the vehicle for inspection
 - Show proof of a valid license
 - Show proof of valid insurance
 at any Alaska State Trooper Post or _____
 If you do not, you must pay online or fill out the back of this form and mail it **within 30 days** to: (court or city) _____
- OPTIONAL COURT APPEARANCE. **Within 30 days** you must pay online or fill out the back of this form and mail it to:
 (court or city mailing address) 435 S. Denali St., Palmer 99645

Defendant Lashbrook Aaron Ray Agency ID PALZP 15883
 Plaintiff City of Palmer Agency Palmer PD Agency case # 15-4673, 15-5366

CITATION FOR MINOR OFFENSE MISDEMEANOR AS 04.16.050(b) & (c) Minor Consuming
 F&G Offense charged as strict liability violation Yes No

District Court at Palmer Judicial District: 3rd Court Case# _____

DEFENDANT

DOB 3/25/90 Age 25 Driver's Lic _____ State AK Class ID APSIN ID _____
 Hair BRO Eyes Haz Race W Sex M Ht 5'10" Wt 165 Ph _____ Wk Ph _____
 Res Addr 444 N. Bonanza St. Palmer, 99645
 Mail Addr Same 3330 N. Edgewater Dr. Wasilla 99645 Employer _____

VEHICLE

Lic/Reg _____ St _____ Expires _____ Yr _____ Make _____ Model _____ Color _____ ADF&G _____
 Commercial: Over 10,000 lbs Over 26,000 lbs Over 15 psngr HazMat DOT INSP# _____ USDOT# _____

OFFENSE

Date 10/22/15 Time 1530 ATN _____ CTN _____ Code _____
 Location 444 N. Bonanza St. Loc. Code _____ Hwy Work Zone Safety Corridor
 Statute Regulation Ordinance Adopted by reference Section _____
 Offense: PMC 08.38.020 (a) (b)
 Over Limit _____ MPH in a _____ MPH Zone Damage Only Injury Fatality Commercial Fishing

Item(s) Seized that can be forfeited per AS 16.05.190, AS 04.16.205 or other statute/ordinance (list other statute/ordinance: _____):
 Game Restitution amount for _____ taken illegally: \$ _____ AS 16.05.925(b) for mandatory appearance offense only.

PENALTY Driver License Points _____ Bail/Fine \$ 300 Surcharge \$ 10 Total Due \$ 310

I have probable cause to believe the defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I **personally** served this citation on the defendant.

[Signature] Officer's Signature Jamie Hammond Officer's Printed Name WHT2 ID 10/22/15 1530 Date Served on Defendant

REQUIRED RESPONSE

MANDATORY COURT APPEARANCE. You must appear on _____ at _____ AM/PM.
If you fail to appear: For a misdemeanor or a minor consuming alcohol charge, a warrant will be issued for your arrest. For a minor offense, a default judgment will be entered against you as explained on the back of this citation.

Court's Physical Address: _____

CORRECTABLE. This citation will be dismissed if, **within 30 days**, you:
 Correct the defect and present the vehicle for inspection
 Show proof of a valid license
 Show proof of valid insurance
 at any Alaska State Trooper Post or _____
 If you do not, you must pay online or fill out the back of this form and mail it **within 30 days** to: (court or city)

OPTIONAL COURT APPEARANCE. **Within 30 days** you must pay online or fill out the back of this form and mail it to:
 (court or city mailing address) 435 S. Denali St., Palmer 99645



DEPARTMENT OF COMMUNITY DEVELOPMENT

Sandra Garley
Director

David Meneses
Building Inspector

Beth Skow
Library Director

Mail: 231 W. Evergreen Ave.
Location: 645 E. Cope Industrial Way
Palmer, AK 99645-6748
Phone: 907-745-3709
Fax: 907-745-5443
www.cityofpalmer.org

On September 10, 2015, I was accompanied by Officer Gipson of the Palmer Police Department to deliver the 2 attached third offense final notices to the owner of record or occupant at 444 North Bonanza Street, Palmer, Alaska, MSB tax ID #5021B12L005 for violation of PMC 8.37, Junk Vehicles and PMC 8.38, Nuisance – Junk, Litter and Unsightly Premises.

Kimberly A. McClure
Kimberly A. McClure
Planning & Code Compliance Technician

9-10-15
Date

[Signature]
Officer's name: James Gipson

9/10/15
Date

Occupant or Owner (No one answered door)
X/AME

- Enclosures: 3rd Final Notice letter dated September 9, 2015 regarding Unsightly Premise (PMC 8.38)
3rd Final Notice letter dated September 9, 2015 regarding Junk Vehicles (PMC 8.37)
PMC Chapter 1.08 – General Penalty
PMC Chapter 8.37, Junk Vehicles
PMC Chapter 8.38, Nuisance – Junk, Litter and Unsightly Premises

City of Palmer



DEPARTMENT OF COMMUNITY DEVELOPMENT

Sandra Garley
Director

David Meneses
Building Inspector

Beth Skow
Library Director

September 10, 2015

Jeffrey & Tresea L. Pigg or Occupant
444 N. Bonanza Street
Palmer, AK 99645

Mail: 231 W. Evergreen Ave.
Location: 645 E. Cope Industrial Way
Palmer, AK 99645-6748
Phone: 907-745-3709
Direct Phone: 907-761-1306
Fax: 907-745-5443
www.cityofpalmer.org

HAND DELIVERED – FINAL NOTICE (3rd OFFENSE) - Property ID#5021B12L005

Dear Property Owner:

This letter is the City's Formal Notice of Abatement. The condition of your property at **444 North Bonanza Street**, Palmer, Alaska is in violation of Palmer Municipal Code Chapter **8.38, Nuisance – Junk, Litter and Unsightly Premises and constitutes a public nuisance**. The property contains a mattress, water heater and other discarded items located in the front yard in public view in violation of code.

An initial letter was mailed to you as the owner or occupant on January 22, 2015. That letter asked you to clean the property to a neat and orderly condition without an accumulation of junk, litter and unsightly materials by February 6, 2015. That has not been done. The occupant was issued a first offense citation on June 22, 2015 with a civil penalty of \$75.00 with a \$10.00 surcharge for each violation. On August 25, 2015, the occupant, Aaron Lashbrook stated to Sgt. Szipszky that the water heater and mattress would be removed by September 8, 2015. That has not been done. The occupant was issued a second offense citation on September 10, 2015 with a civil penalty of \$150.00 with a \$10.00 surcharge for each violation.

You must properly dispose of those materials located on your property to cure the unsightliness of the premises within 30 days of receipt of this notice. If this is not done, you are subject to enforcement procedures as stated in PMC 1.08.011 or 1.08.013; a civil penalty of \$300.00 per violation plus an additional \$10.00 surcharge per violation for the third offense of the same ordinance within 365 days of the second offense. If the violations are not removed within the allotted timeframe, additional fines may be assessed for each day of continued violation for which formal notice was provided.

This shall serve as your **final** notice (3rd Offense) of the City's findings regarding the condition of your property and the ensuing civil penalty to which you may become liable. If you wish to contest this formal notice, you must contact me, **in writing**, within 10 days of the receipt of this letter.

Sincerely,

Kimberly A. McClure
Kimberly McClure, Planning & Code Compliance Technician

Enclosures: PMC Chapter 1.08 – General Penalty & PMC Chapter 8.38 –
Nuisance – Junk, Litter and Unsightly Premises

City of Palmer



DEPARTMENT OF COMMUNITY DEVELOPMENT

Sandra Garley
Director

David Meneses
Building Inspector

Beth Skow
Library Director

September 10, 2015

Jeffrey & Tresea L. Pigg or Occupant
444 N. Bonanza Street
PALMER, AK 99645

Mail: 231 W. Evergreen Ave.
Location: 645 E. Cope Industrial Way
Palmer, AK 99645-6748
Phone: 907-745-3709
Direct Phone: 907-761-1306
Fax: 907-745-5443
www.cityofpalmer.org

HAND DELIVERED- FINAL NOTICE (3rd OFFENSE) - Property ID# 5021B12L005

Dear Property Owner:

This letter is the City's Formal Notice of Abatement. The junk vehicle located on your property at **444 North Bonanza Street**, Palmer, Alaska constitutes a public nuisance. The property contains a blue vehicle with expired tags showing a license plate #CJP-144 and broken windows in violation of the Palmer Municipal Code **Chapter 8.37, Junk Vehicles**.

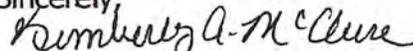
An initial letter was mailed to you as the owner or occupant on January 22, 2015. That letter asked you to register and insure the vehicle or remove it from public view by February 6, 2015. That has not been done. The occupant was issued a first offense citation on June 22, 2015 with a civil penalty of \$75.00 with a \$10.00 surcharge for each violation. On August 25, 2015, the occupant, Aaron Lashbrook stated to Sgt. Szipszky that the junk vehicle would be removed by September 8, 2015. That has not been done. The occupant was issued a second offense citation on September 10, 2015 with a civil penalty of \$150.00 with a \$10.00 surcharge for each violation.

The City requests that you repair, register, and insure the vehicle or remove the vehicle from public view within 10 days from the issuance of this notice or the City may impound and sell or destroy the vehicle at the offender's expense.

If you can show the ability and willingness to make the repairs necessary to convert the junk vehicle into an operable vehicle, application can be made to the City Manager at any time before the 10 days have expired for a 30-day waiver to make the necessary repairs. The application should contain a signed statement addressing the violations and requesting a 30-day waiver for correction of violations.

This shall serve as your **final** notice (3rd Offense) of the City's findings regarding the junk vehicle located on your property. If you wish to contest this formal notice, you must contact me, **in writing**, within 10 days of the receipt of this letter.

Sincerely,


Kimberly McClure, Planning & Code Compliance Technician

Enclosures: PMC 1.08, General Penalty & PMC 8.37, Junk Vehicles

City of Palmer

Chapter 1.08 GENERAL PENALTY*

Sections:

- 1.08.010 *Repealed.*
- 1.08.011 General fine penalties.
- 1.08.013 Other remedies.
- 1.08.020 Penalty surcharge.

* For Charter provisions authorizing the city to impose penalties for ordinance violation of not more than a fine of \$300.00 or imprisonment for 30 days, see Charter Section 1.9.

1.08.010 Designated.

Repealed by Ord. 06-005. (Ord. 535 § 3, 1998; Ord. 280 § 3, 1983; Ord. 205 § 3, 1978)

1.08.011 General fine penalties.

A. A person who violates a provision of this code shall, upon conviction, be subject to punishment by the fine established in the current, adopted budget.

B. If no other penalty is specifically or by adoption prescribed by a particular ordinance, the general penalty for violation of the ordinance is as stated in the current, adopted budget.

C. In accordance with AS 12.25.195 through 12.25.230, for a violation that cannot result in incarceration or the loss of a valuable license, a person may dispose of the citation without a court appearance by submitting to the clerk of court all of the following:

1. Payment of the fine amount and the applicable surcharge as established in the current, adopted budget; and
2. A copy of the citation signed by the person indicating the person's waiver of court appearance, entry of plea of no contest, and forfeiture of the fine.

D. When the fine is forfeited under subsection (C) of this section, a judgment of conviction shall be entered. The fine paid is complete satisfaction for the offense. (Ord. 07-029 § 4, 2007; Ord. 06-005 § 4, 2006)

1.08.013 Other remedies.

The city may institute a civil action against a person, including a minor as provided in AS 29.25.072, who violates an ordinance. A person who violates a provision of this code may be subject to injunctive relief, compensatory relief, and a civil penalty not to exceed \$1,000 for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or threatened violation, the superior court shall grant the injunction. Each day that a violation of a provision of this code continues constitutes a separate violation. This section does not bar other civil remedies. (Ord. 06-005 § 5, 2006)

1.08.020 Penalty surcharge.

A. In addition to any fine or other penalty prescribed by law, a person who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of:

1. A violation of this code comparable to a misdemeanor offense under AS [28.33.030](#), [28.33.031](#), [28.35.030](#), or [28.35.032](#) and adopted under AS [28.01.010](#) shall be assessed a surcharge of \$75.00;

2. A misdemeanor or other violation of this code if a sentence of incarceration may be imposed for the misdemeanor or ordinance violation, other than a provision identified in subsection (A)(1) of this section, shall be assessed a surcharge of \$50.00; and

3. A misdemeanor or a violation of this code if a sentence of incarceration may not be imposed for the misdemeanor or ordinance violation shall be assessed a surcharge of \$10.00 if the fine or bail forfeiture amount for the offense is \$30.00 or more.

B. The surcharge shall be deposited into the general fund of the state in accordance with AS [29.25.072](#). (Ord. 537 § 3, 1998)

The Palmer Municipal Code is current through Ordinance 16-004, passed January 26, 2016.

Disclaimer: The City Clerk's Office has the official version of the Palmer Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Chapter 8.37 JUNK VEHICLES

Sections:

- 8.37.010 Definition.
- 8.37.020 Junk vehicles unlawful.
- 8.37.030 Disposition of junk vehicles.
- 8.37.040 Disposal of junk vehicles.
- 8.37.050 Recovery of costs.
- 8.37.060 Opportunity for hearing.
- 8.37.070 Redemption.
- 8.37.080 Other rights preserved.
- 8.37.090 Fines.

8.37.010 Definition.

"Junk vehicle" means a motor vehicle, as that term is defined by AS 28.40.100(12), that is: (1) stripped, wrecked or otherwise inoperable due to mechanical failure, and (2) 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; provided, however, if such motor vehicle is currently registered for operation on the public roads of the city and is insured under the requirements of AS 28.22.011, then it is presumed not to be a "junk vehicle." To meet the insurance requirement, proof of motor vehicle liability insurance or a certificate of self-insurance that complies with AS 28.20.400 must be submitted to the city manager. (Ord. 525 § 6(7), 1997; Ord. 312 § 3, 1985; Ord. 296 § 3, 1984)

8.37.020 Junk vehicles unlawful.

A. It is unlawful for the registered owner or other person with legal right to possession of a junk vehicle to place or allow such vehicle to remain in public view on any property, public or private, within the city for more than 10 days, the same being declared a public nuisance. It is also unlawful for the owner, tenant or other person in possession or control of any property to cause or allow a junk vehicle to be placed or remain in public view on such property for more than 10 days.

B. Notwithstanding the provisions of subsection (A) of this section, if the city manager has reasonable grounds to believe that repairs can be made to render a junk vehicle operable, that the registered owner or other person entitled to possession of the vehicle is willing to undertake or have performed such repairs, that the vehicle does not pose any health or safety hazard, and that there is no reasonable means for removing the vehicle from public view while repairs are being performed, the city manager may authorize a period of no more than 30 days for the performance of such repairs. In no case, however, may this section be construed as authorizing the operation of a junkyard or other salvage or repair business where other requirements of the law have not been met. (Ord. 296 § 3, 1984)

8.37.030 Disposition of junk vehicles.

A. Upon observation of what appears to be a junk vehicle, the city manager shall give written notice by personal service or certified mail to: (1) any or all offenders described in PMC 8.37.020(A); and (2) to any or all lienholders of record, as well as notice affixed to the vehicle. Notice affixed to the vehicle shall suffice for subsequent action if none of the offenders described in PMC 8.37.020(A) can be located and served within the 10-day period. The notice shall contain:

1. The street address and other information sufficient to identify the location of the vehicle;
2. A statement that the vehicle constitutes a public nuisance and a copy or summary of the relevant code sections;
3. A statement that if the vehicle is not removed from public view within 10 days from issuance of the notice, the city may impound and sell or destroy the vehicle at the offender's expense; and
4. A statement that if the offender can show ability and willingness to make the repairs necessary to convert the junk vehicle into an operable vehicle, application may be made at any time before the 10 days have expired for a 30-day waiver to make the necessary repairs.

B. Upon expiration of the 10-day, or 30-day period where relevant, the city manager may impound a junk vehicle and sell it at public auction pursuant to the notice provisions of PMC 8.37.040 or may have the vehicle privately sold, crushed or otherwise destroyed without further notice. If a vehicle is destroyed, the city manager will notify the Alaska Department of Public Safety. (Ord. 296 § 3, 1984)

8.37.040 Disposal of junk vehicles.

Upon satisfaction of the notice requirements of this chapter, a vehicle may be disposed of by public auction 20 days after notice of the auction is published in a newspaper of general circulation in the city. A notice shall describe the vehicle and specify the place, date and time at which it will be sold. A copy of the notice of auction will be sent to the state of Alaska, Department of Public Safety. (Ord. 296 § 3, 1984)

8.37.050 Recovery of costs.

The costs of impounding, storing, selling and destroying junk vehicles may be charged or assessed by the city against the vehicle, the registered owner of the vehicle, any person who has acquired legal title to the vehicle from or through the registered owner and any person who has violated PMC 8.37.020(A). (Ord. 296 § 3, 1984)

8.37.060 Opportunity for hearing.

A person subject to liability under this chapter including any person described in PMC 8.37.020(A) and an owner or any lienholder of a junk vehicle or vehicle appearing to be a junk vehicle, before or after impoundment, shall be entitled to an administrative hearing prior to sale or destruction provided such is demanded in a signed writing delivered to the city manager in a timely fashion at least 48 hours before the sale or destruction. Hearings shall be informal and technical rules of evidence do not apply. A person who requests a hearing may retain an attorney if he desires. The city manager may appoint a hearing officer. Proceedings of the hearing shall be recorded. The city manager/hearing officer shall state on the record the reasons for the decision and indicate the evidence relied on. (Ord. 296 § 3, 1984)

8.37.070 Redemption.

A person who presents satisfactory proof of right to possession of the junk vehicle may redeem the vehicle removed under this chapter at any time before auction sale or destruction of the vehicle, by paying the charges of towing, storage, notice, other costs of impoundment and any applicable penalty imposed by law. (Ord. 296 § 3, 1984)

8.37.080 Other rights preserved.

Nothing in this chapter shall be construed as limiting the right of any person to operate a lawful junk or storage yard. (Ord. 296 § 3, 1984)

8.37.090 Fines.

A violation of this chapter is an offense punishable by the fine established in the current, adopted budget.
(Ord. 14-027 § 5, 2014)

The Palmer Municipal Code is current through Ordinance 16-004, passed January 26, 2016.

Disclaimer: The City Clerk's Office has the official version of the Palmer Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Chapter 8.38 NUISANCE – JUNK, LITTER AND UNSIGHTLY PREMISES

Sections:

- 8.38.010 Definitions.
- 8.38.020 Owner and occupant to maintain premises.
- 8.38.030 Initiation of action.
- 8.38.040 Initial inspection and report.
- 8.38.050 Initial contact with owner and/or occupant.
- 8.38.060 Final notice to abate violation.
- 8.38.070 *Repealed.*
- 8.38.075 Remedies.
- 8.38.080 *Repealed.*
- 8.38.090 *Repealed.*
- 8.38.100 *Repealed.*
- 8.38.110 *Repealed.*
- 8.38.120 *Repealed.*
- 8.38.130 *Repealed.*
- 8.38.140 *Repealed.*

8.38.010 Definitions.

As used in this chapter, the following words are defined in this section:

“Junk” means any worn-out, wrecked, scrapped, partially or fully dismantled or discarded tangible material, combination of materials or items that cannot without further alteration and reconditioning be used for their original purposes, including but not limited to appliances, building material, chemicals, equipment, furniture, machinery, metal, rags, rubber, paper, plastics and wood.

“Litter” means all improperly discarded waste material, including but not limited to convenience food, beverage and other product packages or containers constructed of steel, aluminum, glass, paper, plastic and other natural and synthetic material, thrown or deposited on the lands and waters within the boundaries of the city.

“Occupant” means the person in possession of the real property on which the junk or litter is located.

“Occupant” includes tenant and lessee.

“Owner” means the owner of the real property on which the junk or litter is located, or the agent of the owner.

“Unsightly premises” means property including but not limited to building exteriors maintained in such condition as to become so defective or unsightly or in such condition of deterioration or disrepair that the property causes appreciable diminution of the property values of surrounding property or is materially detrimental to proximal properties and improvements is a public nuisance. This includes but is not limited to the keeping or disposing of or the scattering over the property or premises of any lumber, junk, trash or debris; abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers; stagnant water or excavations; or any device, decoration, design, fence, structure, clothesline or vegetation that is unsightly by reason of its condition or its inappropriate location.

“Zoning administrator” means the person or the designee authorized by the city manager to enforce this chapter. (Ord. 06-016 § 3, 2006; Ord. 516 § 3, 1997)

8.38.020 Owner and occupant to maintain premises.

A. The owner and the occupant of any private property in the city shall at all times maintain the premises free from significant accumulations of junk and litter; provided, however, that this section shall not prohibit the storage of junk or litter in authorized private receptacles for collection, or the storage of junk that is not visible to the public at large. A significant accumulation of junk or litter on any private property in the city contrary to this section is deemed to be a public nuisance.

B. The owner and the occupant of any private property in the city shall at all times maintain the property in a manner so that the property does not constitute an unsightly premises.

C. This chapter does not apply to property zoned industrial. (Ord. 06-016 § 3, 2006; Ord. 516 § 3, 1997)

8.38.030 Initiation of action.

A city resident may initiate action under this chapter by filing a written signed statement with the zoning administrator complaining about junk, litter, or an unsightly premises on private property in the city. The zoning administrator may initiate action even without a complaint. (Ord. 06-016 § 3, 2006; Ord. 516 § 3, 1997)

8.38.040 Initial inspection and report.

Upon receiving a duly filed complaint, the zoning administrator will inspect the property in a reasonable time and make a written report of the findings of the inspection. When practicable, photographs of the premises will be attached to the report. The reports are to be maintained for at least one year. (Ord. 06-016 § 3, 2006; Ord. 516 § 3, 1997)

8.38.050 Initial contact with owner and/or occupant.

Unless the zoning administrator finds that health and safety considerations require prompt abatement of junk, litter, or an unsightly premises, the zoning administrator may contact the owner and/or occupant informally, either verbally or in writing or both, and inform the owner and/or occupant that the property appears to contain junk, litter or be an unsightly premises, that such may violate city ordinance, and that the city requests the junk, litter, or unsightly premises be removed or otherwise brought into compliance within a reasonable time, normally not to exceed 15 days. (Ord. 06-016 § 3, 2006; Ord. 516 § 3, 1997)

8.38.060 Final notice to abate violation.

A. After the zoning administrator has made a written report of the findings of the inspection and determined that there is a violation of this chapter, the zoning administrator shall provide final notice to abate the violation.

B. Final Notice.

1. The zoning administrator is authorized to notify either the owner and/or the occupant of property regarding a violation of this chapter.
2. Notice to the owner may be provided at the owner's last known address as shown on the Matanuska-Susitna Borough assessment rolls for the city. Notice to the occupant may be provided by serving any adult residing on the premises. Notice to either the owner or occupant may be made in any other reasonable manner to assure due process is met.
3. The notice shall state the following:
 - a. The name of the owner and/or occupant;

- b. The property description;
- c. The specific type and location of the junk or litter on the property or describe what makes the premises unsightly;
- d. The owner and/or occupant of the property is to properly dispose of junk or litter located on the property or to cure the unsightliness of the premises within 30 days of receipt of the notice;
- e. If the junk or litter is not properly disposed of or the unsightliness cured within 30 days after receipt of the final notice, the property owner and/or occupant is subject to the enforcement procedures as stated in PMC 1.08.011 or 1.08.013. The zoning administrator may issue a ticket or obtain city council approval to commence a lawsuit requesting a remedy allowed under PMC 1.08.013 or at law. (Ord. 06-016 § 3, 2006; Ord. 516 § 3, 1997)

8.38.070 Response to formal notice.

Repealed by Ord. 06-016. (Ord. 516 § 3, 1997)

8.38.075 Remedies.

A. If the junk or litter is not properly disposed of or the unsightliness cured within 30 days after receipt of the final notice, the property owner and/or occupant is subject to the enforcement procedures as stated in PMC 1.08.011 or 1.08.013.

B. After first confirmation and documentation (including photography) that the condition of the property has not changed sufficiently to comply with the terms of the final notice, the zoning administrator may issue a ticket.

C. In circumstances where appropriate, given the magnitude of the offense or continuous noncompliance including without limitation offenders who fail to comply with the final notice even after conviction or repeat offenders, the zoning administrator may obtain city council approval to commence a lawsuit requesting a remedy allowed under PMC 1.08.013 or at law. (Ord. 06-016 § 3, 2006)

8.38.080 Hearing procedure.

Repealed by Ord. 06-016. (Ord. 516 § 3, 1997)

8.38.090 Hearing decision.

Repealed by Ord. 06-016. (Ord. 516 § 3, 1997)

8.38.100 Appeal.

Repealed by Ord. 06-016. (Ord. 516 § 3, 1997)

8.38.110 Enforcement of decisions and orders.

Repealed by Ord. 06-016. (Ord. 516 § 3, 1997)

8.38.120 Board established.

Repealed by Ord. 06-016. (Ord. 516 § 3, 1997)

8.38.130 Conflict of interest.

Repealed by Ord. 06-016. (Ord. 516 § 3, 1997)

8.38.140 Ex parte contacts prohibited.

Repealed by Ord. 06-016. (Ord. 516 § 3, 1997)

The Palmer Municipal Code is current through Ordinance 16-004, passed January 26, 2016.

Disclaimer: The City Clerk's Office has the official version of the Palmer Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

