

1 IN THE HOUSE

BY MESSRS. STRATTON AND PEARSON

2 HOUSE BILL NO. 207

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of junk
7 yards; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 Section 1. GENERAL PROHIBITION. No person shall establish,
10 operate, or maintain a junk yard without a certificate of location
11 prescribed by this Act.

12 Sec. 2. CERTIFICATE OF LOCATION. Any person using or pro-
13 posing to use a location for a junk yard must obtain a certificate
14 of approval for the location. If the location is within the
15 boundaries of an organized borough, the certificate shall be pro-
16 cured from the assembly of the organized borough. If the location
17 is in a city that is outside an organized borough, the certificate
18 of location shall be procured from the city council. If the
19 location is outside any incorporated city or borough, the certifi-
20 cate of location shall be obtained from the commissioner of health
21 and welfare.

22 Sec. 3. STANDARDS FOR LOCATION AND REGULATION. The com-
23 missioner of health and welfare, the city council and organized
24 borough assembly, in considering applications and regulations,
25 shall take into account the nature and development of surrounding
26 property; the need to protect the local economy, adjacent land
27 owners and the motoring public from economically depressing and
28 unsightly roadside locations; the proximity of churches, schools,
29 hospitals, public buildings, recreation areas or other places of

1 public gathering; the sufficiency in number of other similar
2 business establishments in the vicinity; the adequacy of fences
3 and other types of enclosures to prevent the unsightly display of
4 any junk yard; the health, safety and general welfare of the
5 public and the suitability of the applicant to establish, maintain
6 or operate the business under the provisions of this Act.

7 Sec. 4. AUTHORIZATION TO IMPOSE CONDITIONS FOR ESTABLISHMENT,
8 OPERATION AND MAINTENANCE. The commissioner of health and wel-
9 fare and the cities or organized boroughs shall examine the
10 location or proposed location of any junk yard and make reasonable
11 regulations concerning the establishment, operation and mainten-
12 ance of businesses pursuant to the standards prescribed in Sec. 3
13 of this Act. Such regulations may require the erection, location
14 and size of fences or other structures surrounding the junk yard.
15 Regulations of junk yards shall be subject to the provisions of
16 the Administrative Procedure Act.

17 Sec. 5. PENALTY. Any person who operates, establishes, or
18 maintains a junk yard in any location without procuring a certi-
19 ficate of approval is guilty of a misdemeanor and upon conviction
20 shall be punished by a fine of not more than \$500.00, or by im-
21 prisonment for a term not to exceed one year, or both.

22 Sec. 6. DEFINITIONS. For the purpose of this Act

23 (1) "person" means any individual and, where consistent
24 with collective capacity, a committee, firm, partnership, company,
25 corporation, club, organization, association, or other combination
26 of individuals;

27 (2) "junk yard" means any location where junk is
28 gathered together and stored for shipment, sale, or transfer;

29 (3) "junk" means any secondhand and used machinery,

1 scrap iron, copper, lead, zinc, aluminum or other metals. It
2 also includes wrecked automobiles, tools, implements, rags, rubber
3 and paper.

4 Sec. 7. EFFECTIVE DATE. This Act takes effect on September
5 1, 1961.

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