

1 IN THE SENATE BY SENATOR BEGICH

2 SENATE BILL NO. 25

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the operation of
7 public junk yards."

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

9 * Section 1. AS 08.60.060 is amended to read:

10 Sec. 08.60.060. CERTIFICATE OF LOCATION. A person
11 using or proposing to use a location for a commercial or
12 public junk yard must obtain a certificate of approval for
13 the location. If the location is in a city of any class,
14 the certificate shall be procured from the city council or
15 its designee. If the location is outside the city limits
16 but within the boundaries of an organized borough, the
17 certificate shall be procured from the assembly of the
18 organized borough or its designee. If the location is out-
19 side an incorporated city or borough, the certificate of
20 location shall be obtained from the commissioner of public
21 safety [HEALTH AND WELFARE].

22 * Sec. 2. AS 08.60.070 is amended to read:

23 Sec. 08.60.070. STANDARDS FOR LOCATION AND REGULA-
24 TION. The commissioner of public safety [HEALTH AND
25 WELFARE], the city council, and organized borough assembly,
26 in considering applications and regulations, shall take
27 into account (1) the nature and development of surrounding
28 property; (2) the need to protect the local economy,
29 adjacent land owners, and the motoring public from

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economically depressing and unsightly roadside locations; (3) the proximity of churches, schools, hospitals, public buildings, recreation areas, or other places of public gathering; (4) the sufficiency in number of other similar business establishments in the vicinity; (5) the adequacy of fences and other types of enclosures to prevent the unsightly display of any junk yard; (6) the health, safety, and general welfare of the public; and (7) the suitability of the applicant to establish, maintain, or operate the business under secs. 50 - 100 of this chapter.

* Sec. 3. AS 08.60.080 is amended to read:

Sec. 08.60.080. AUTHORIZATION TO IMPOSE CONDITIONS FOR ESTABLISHMENT, OPERATION, AND MAINTENANCE. The commissioner of public safety [HEALTH AND WELFARE] or the cities or organized boroughs shall examine the location or proposed location of a junk yard and make reasonable regulations concerning the establishment, operation, and maintenance of businesses under the standards set out in sec. 70 of this chapter. [THE REGULATIONS MAY REQUIRE THE ERECTION, LOCATION, AND SIZE OF FENCES OR OTHER STRUCTURES SURROUNDING THE JUNK YARD.] Regulations of junk yards are subject to the provisions of the Administrative Procedure Act (AS 44.62).

* Sec. 4. AS 08.60 is amended by adding a new section to read:

Sec. 08.60.085. ENCLOSURE OF YARD. No person may establish, operate, or maintain a commercial or public junk yard unless he encloses the junk yard with nontransparent fencing material to a height of not less than eight

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feet.

* Sec. 5. AS 08.60.090 is amended to read:

Sec. 08.60.090. PENALTY. A person who operates, establishes, or maintains a junk yard in any location in violation of the provisions of secs. 50 - 100 of this chapter [WITHOUT PROCURING A CERTIFICATE OF APPROVAL] is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for a term of not more than one year, or by both.