

Kenai Peninsula Borough

Legal Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*
Scott Griebel, Roads Service Area Director *SG*
Sean Kelley, Borough Attorney *SK*

FROM: A. Walker Steinhage, Deputy Borough Attorney *AWS*

DATE: January 26, 2023

RE: Ordinance 2023-07, Amending Borough Code, KPB 12.08.100(A), Regarding Disposal of Abandoned Vehicles to Reflect the Ten-Calendar-Day Period in KPB 12.08.080(C)(6) (Mayor)

Roads Inspector Chris Erb contacted the Legal Department upon identifying a discrepancy in Borough Code.

KPB 12.08.080(C)(6) states that the owner of an impounded abandoned or junk vehicle “may, at any time within **ten (10) calendar days**, provide a written request for a hearing before the Road Service Area Board (RSA) Board . . . concerning whether the vehicle was abandoned or is a junk vehicle in violation of this chapter and subject to disposal.” However, KPB 12.08.100(A) presently reads, “. . .the director may authorize disposal by crushing, recycling, or other means of destruction upon the expiration of the **fifteen (15) calendar day** period required by KPB 12.08.080(C)(6).” (Emphasis added).

Accordingly, there is a conflict between the ten-calendar-day period in KPB 12.08.080(C)(6) and the fifteen-calendar-day period in Subsection 12.08.100(A), even though that Subsection explicitly references the period in KPB 12.08.080(C)(6). The Ordinance amends KPB 12.08.100(A) to reflect the ten-calendar-day period in harmony with KPB 12.080(C)(6).

Your consideration is appreciated.