

Vote: Cox, Holler, Koskela, and Menard opposed; Ewing and Metiva absent
Four affirmative votes needed for passage

**CITY OF WASILLA
ORDINANCE SERIAL NO. 07-11**

AN ORDINANCE OF THE WASILLA CITY COUNCIL ADOPTING WMC CHAPTER 8.12, CONTAMINATION FROM STORED OR JUNK VEHICLES, AMENDING WMC 16.04.070, DEFINITIONS, TO DEFINE THE TERM "MOTOR VEHICLE STORAGE," AND AMENDING WMC 16.16.060, SPECIFIC APPROVAL CRITERIA, TO ESTABLISH APPROVAL CRITERIA FOR MOTOR VEHICLE STORAGE AND JUNKYARDS.

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Adoption of chapter.** WMC 8.12, Contamination from Stored or Junk Vehicles, is adopted to read as follows:

Chapter 8.12

CONTAMINATION FROM STORED OR JUNK VEHICLES

8.12.010 Definitions.

The following words and phrases, when used in this chapter, shall have the meanings set forth in this section:

"Junk vehicle" means a vehicle that is unregistered, discarded, wrecked or abandoned.

"Motor vehicle storage" means the storage of three or more motor vehicles while awaiting repair, while impounded, or under contract with persons who own or control the motor vehicles for a term not less than 30 days.

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8.12.020 Prevention of contamination.

A. No person who owns or controls property that contains any motor vehicle storage or junk vehicle may permit any fluids to be discharged from any stored motor vehicle or junk vehicle onto the ground, or into any lake or stream.

B. A person who owns or controls property that contains any motor vehicle storage or junk vehicle shall take effective measures to prevent any contamination of groundwater or excessive surface runoff from the property onto adjoining lands, or lakes or streams.

8.12.030 Removal of sources of contamination from junk vehicle.

No person may cause or permit a junk vehicle to be stored on property that the person owns or controls unless the person first causes all batteries and fluids to be removed from the junk vehicle, and to be disposed of in a lawful manner.

* **Section 3. Amendment of section. WMC 16.04.070, Definitions, is amended by adding a definition of motor vehicle storage to read as follows:**

“Motor vehicle storage” means the storage of three or more motor vehicles while awaiting repair, while impounded, or under contract with persons who own or control the motor vehicles for a term not less than 30 days.

* **Section 4. Amendment of section. WMC 16.16.060, Specific approval criteria, is amended by adding a new Subsection L to read as follows:**

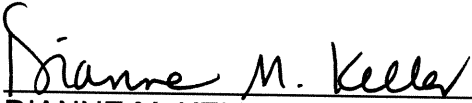
L. Uses including motor vehicle storage or junkyards shall include effective measures to prevent any contamination of groundwater or excessive surface runoff from the parcel onto adjoining lands, or lakes or streams. The site plan for the use shall include a drainage plan that demonstrates adequate

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provision for the prevention of groundwater contamination and excessive surface runoff from the parcel onto adjoining lands, or lakes or streams. All facilities to carry surface runoff away from the parcel shall be subject to the approval of the public works director.

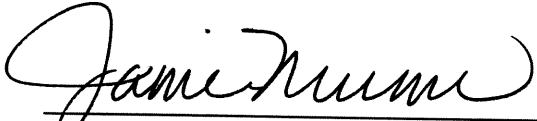
* **Section 5. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

DEFEATED by the Wasilla City Council on March 12, 2007



DIANNE M. KELLER, Mayor

ATTEST:



JAMIE NEWMAN, CMC
Acting City Clerk

[SEAL]

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**CITY OF WASILLA
LEGISLATION STAFF REPORT**

**RE: ORDINANCE SERIAL NO. 07-11 IN REGARD TO JUNK VEHICLES AND
MOTOR VEHICLE STORAGE.**

Agenda of: February 26, 2007
Originator: Thomas Klinkner, City Attorney

Date: February 14, 2007

Route to:	Department	Signature/Date
X	Deputy Administrator Planning, Economic Development, Human Resources	<i>[Signature]</i> 2-16-07
X	City Clerk	<i>[Signature]</i>

REVIEWED BY MAYOR DIANNE M. KELLER: *Dianne M. Keller*

FISCAL IMPACT: yes\$ or no Funds Available yes no

Account name/number:

Attachments:

SUMMARY STATEMENT:

Based on our discussion at the February 12, 2007 Council meeting, I have revised the draft ordinance regulating contamination from vehicles that the Council requested. The following summarizes the principal revisions:

- Definition of junk vehicle. The definition of junk vehicle in WMC 8.12.010 has been changed to conform to the reference to junk vehicles in the definition of junkyard in WMC 16.04.070. This simplifies the definition, and makes it consistent with the reference to junk vehicles in the definition of junkyard in the City's zoning ordinance.
- Regulation of vehicle storage. The provisions in WMC 8.12 and WMC 16.16.060 regulating vehicle storage have been restored. The definitions of vehicle storage in WMC 8.12.010 and WMC 16.04.070 have been changed so that the regulation of stored vehicles applies to any storage of three or more vehicles, whether commercial or residential.
- Regulation of junkyards. The definition of junk vehicle has been eliminated from WMC 16.04.070 as unnecessary, as WMC 16.04.070 already refers to the term in its definition of junkyard. WMC 16.16.060 has been modified to regulate the storage of junk vehicles in junkyards, thus clarifying that the storage of junk vehicles is not permitted at locations that are not junkyards.

Although there was discussion at the meeting concerning the requirement of specific means of containing contamination from vehicles, I have not attempted to include any such specific requirements in this ordinance, because (i) I do not know enough about specific containment methods to specify them correctly, and (ii) I believe that it would be preferable to specify performance standards for containing contamination, leaving the business or property owner to select the most cost effective containment method that meets the performance standards.

I was asked about penalties for violations of these requirements. A violation of either Chapter 8.12 or Section 16.16.060.L would be subject to the general penalty provisions of WMC 1.20.010: citation and a fine of up to \$300; a civil penalty of up to \$1,000 per day; and a court order requiring abatement of the violation.

I also was asked about where junkyards are permitted in the City. Under WMC 16.20.020, a junkyard is permitted only by use permit in the Industrial zoning district. It is prohibited in all other zoning districts.