



Article 01. REGULATION OF JUNK YARDS

Chapter 08.60 JUNK YARDS AND SCRAP METAL DEALERS

Sec. 08.60.010. License required; violation of section a misdemeanor. [Repealed, Sec. 3 ch 67 SLA 2014].

Repealed or Renumbered

Sec. 08.60.020. [Renumbered as AS 08.60.010].

Repealed or Renumbered

Sec. 08.60.030. Residence defined. [Repealed, Sec. 26 ch 6 SLA 1984].

Repealed or Renumbered

Sec. 08.60.050. General prohibition.

A person may not establish, operate, or maintain a commercial or public junk yard without a certificate of location prescribed by AS 08.60.050 - 08.60.100.

Sec. 08.60.060. Certificate of location.

A person using or proposing to use a location for a commercial or public junk yard shall obtain a certificate of approval for the location. If the location is in a city of any class, the certificate shall be procured from the city council or its designee. If the location is outside the city limits but within the boundaries of an organized borough, the certificate shall be procured from the assembly of the organized borough or its designee. If the location is outside an incorporated city or borough, the certificate of location shall be obtained from the commissioner of public safety.

Sec. 08.60.070. Standards for location and regulation.

The commissioner of public safety, the city council, and organized borough assembly, in considering applications and regulations, shall take into account

- (1) the nature and development of surrounding property;

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(2) the need to protect the local economy, adjacent land owners, and the motoring public from 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 a junk yard;

(6) the health, safety, and general welfare of the public;

(7) the suitability of the applicant to establish, maintain, or operate the business under [AS 08.60.050](#) - 08.60.100.

Sec. 08.60.080. Authorization to impose conditions for establishment, operation, and maintenance.

The commissioner of public safety or the cities or organized boroughs shall examine the location or proposed location of a junk yard and adopt reasonable regulations concerning the establishment, operation, and maintenance of businesses under the standards set out in [AS 08.60.070](#). The regulations may require the erection, location, and size of fences or other structures surrounding the junk yard. Regulations pertaining to junk yards are subject to the provisions of [AS 44.62](#) (Administrative Procedure Act).

Sec. 08.60.090. Penalty.

A person who operates, establishes, or maintains a junk yard in any location 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.

Sec. 08.60.100. Definitions.

In [AS 08.60.050](#) - 08.60.100,

(1) "junk" means any secondhand and used machinery, scrap iron, copper, lead, zinc, aluminum, or other metals; it also includes wrecked automobiles, tools, implements, rags, used building materials, rubber, and paper;

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(2) "junk yard" means a location where junk is gathered together and stored for a commercial or public purpose;

(3) "person" means an individual and, where consistent with collective capacity, a committee, firm, partnership, company, corporation, club, governmental agency, organization, association, or other combination of individuals.

Article 02. SCRAP METAL DEALER RECORD REQUIREMENTS

Sec. 08.60.200. Records required..

(a) A scrap metal dealer shall maintain an accurate paper or electronic record of each in-person transaction in which the dealer purchases scrap metal for \$100 or more from another person.

(b) The record of a transaction must include

(1) the date, time, location, and value of the scrap metal purchased;

(2) the name of the dealer's employee or agent handling the transaction;

(3) the name, address, and telephone number of the person from whom the dealer purchased the scrap metal;

(4) a description, including the license plate information, of a motor vehicle used to deliver the scrap metal to the dealer;

(5) if the person who sells scrap metal to the dealer is an individual, the number of the individual's driver's license, the number of the individual's government-issued identification document that contains a picture, or a copy of the individual's government-issued identification document that contains a picture;

(6) if the person who sells scrap metal to the dealer is an organization, the number of the person's state business license issued under [AS 43.70.020](#);

(7) a description, including weight and quantity, of the scrap metal purchased by the dealer; the scrap metal dealer shall determine the weight by using a scale that complies with the state standards of weight and measure established under [AS 45.75](#); and

(8) the signed statement required by [AS 08.60.210](#).

Sec. 08.60.210. Signed statement..

A scrap metal dealer shall require a person from whom the dealer is

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purchasing scrap metal for \$100 or more to sign a written or electronic statement that the scrap metal is not stolen property. The person shall date the statement, and the scrap metal dealer, or the dealer's employee or agent, shall witness the person signing.

Sec. 08.60.220. Inspection availability..

A dealer shall make the records required by [AS 08.60.200](#) and 08.60.210 available for inspection by a law enforcement officer during the dealer's regular hours of business or at reasonable times if the dealer does not keep regular hours of business.

Sec. 08.60.230. Retention of records..

A dealer shall maintain the records of a transaction required by [AS 08.60.200](#) and 08.60.210 for five years after the date of the transaction.

Sec. 08.60.240. Exemptions..

The requirements of [AS 08.60.200](#) and 08.60.210 do not apply to a person's transactions with a dealer if the person maintains on file with the dealer the name, address, and telephone number of the person, and a taxpayer identification number issued by the federal Internal Revenue Service or a valid government-issued photo identification card.

Sec. 08.60.250. Criminal penalties..

A dealer who knowingly fails to comply with [AS 08.60.200](#) or 08.60.210 or a person who knowingly makes a false entry for a record required under [AS 08.60.200](#) or 08.60.210 is guilty of a class A misdemeanor. In this section, "knowingly" has the meaning given in [AS 11.81.900](#).

Sec. 08.60.290. Definitions..

In [AS 08.60.200](#) - 08.60.290, unless the context requires otherwise,

- (1) "dealer" means a scrap metal dealer;
- (2) "record" means a record required by [AS 08.60.200](#) or 08.60.210;
- (3) "scrap metal" means used, discarded, or previously owned brass, copper, bronze, aluminum, lead, stainless steel, catalytic

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converter material, or other metal; in this paragraph, "metal" does not include ferrous metal, beverage containers, gold, silver, or platinum;

(4) "scrap metal dealer" means a person who purchases scrap metal for the purpose of resale or processing;

(5) "transaction" means the purchase of scrap metal by a scrap metal dealer from another person.

Sec. 43.70.020. License required; application.

(a) For the privilege of engaging in a business in the state, a person shall first apply, on forms prescribed by the commissioner, and obtain a license, and pay the license fee provided for in AS 43.70.030. A license issued to a firm for a particular line of business covers all its operations in the state regardless of the number of its establishments. A license issued under this subsection must include

(1) the name and address of the licensee;

(2) the primary and secondary line of business to be conducted;

(3) the dates for which the license is issued; and

(4) the business name to be used by the licensee.

(b) *[Repealed, Sec. 10 ch 45 SLA 1988].*

(c) *[Repealed, Sec. 10 ch 45 SLA 1988].*

(d) A person engaging in a business subject to licensing provisions of a regulatory nature (for example, the requirement of posting a bond before beginning business as a collection agency) must, in addition to filing the regular application required by this section, comply with those regulatory provisions before being entitled to a license under this chapter. The department may establish that a license that is issued under this section expires at the same time as a license, certificate, permit, registration, or similar document issued under AS 08.

(e) If a person knowingly engages in a business in the state without having a current license issued under (a) of this section, the department may impose a civil fine of up to \$300. In this subsection, "knowingly" has the meaning given in AS 11.81.900.

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(f) A person may apply for a business license under (a) of this section covering multiple lines of business. The department shall prepare an application form that allows an applicant to list multiple lines of business.

<http://www.legis.state.ak.us/basis/statutes.asp#08.60.240>

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