

OFFICE OF THE CITY ATTORNEY

OPINION NO. 93-08

**TO:** Philip V. Bloom, Development Services Director  
**FROM:** Stephen M. Kemp, City Attorney  
**DATE:** October 6, 1993  
**SUBJECT:** Opinion on A.R.S. §28-1410.

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**QUESTION:**

Does A.R.S. §28-1410 exempt certain vehicles from City ordinance requirements pertaining to vehicles.

**OPINION:**

No. A.R.S. §28-1410 provides:

A motor vehicle eligible for licensing pursuant to chapter 3, article 2 of this title or section 28-380 shall not be considered an abandoned vehicle and seized pursuant to this article or any ordinance authorized by this article while such vehicle is stored or maintained on the vehicle owner's private property.

This intent of this statute is that vehicles which are maintained on private property and that are eligible for licensing as historic vehicles or street rods may not be defined by a city as abandoned.

The City draws its power to enact Section 6-6-2.B.<sup>1</sup> from Article 1, Section 3 (14) of the Peoria City Charter and A.R.S. §9-276. It is clear that this statute does no evidence any legislative intent to preempt the authority of charter cities or to repeal the provisions of A.R.S. §9-276. Therefore, it is our opinion that Section 6-6-2.B. is not preempted and may be applied to the storage of older vehicles, including those that could be registered as historic vehicles or street rods.

If you should have any questions, please do not hesitate to contact me.

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<sup>1</sup> Now section 17-29, Peoria City Code (1992).

