

Submitted by: ASSEMBLY MEMBERS TRAINI, TESCHE  
Prepared by: Assembly Counsel  
For reading: April 15, 2008

**ANCHORAGE, ALASKA  
AO NO. 2008-61**

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING  
2 PROVISIONS OF ANCHORAGE MUNICIPAL CODE, TITLE 9, VEHICLES AND  
3 TRAFFIC, AND TITLE 10, LICENSING, RELATING TO TOW OPERATOR  
4 LICENSING; FILING OF REASONABLE TOWING AND STORAGE RATES BY ALL  
5 LICENSED TOW OPERATORS; PUBLICATION OF RATES; PROHIBITED  
6 PRACTICES; PARTICIPATION IN THE ROTATIONAL TOW PROGRAM; REQUIRED  
7 SIGNAGE OF PARKING AND TOWING INFORMATION IN PUBLIC LOTS AND  
8 RESIDENTIAL PARKING AREAS; UNLAWFUL VEHICLE TOWING AND  
9 IMMOBILIZATION; ASSOCIATED FINES; AND ENFORCEMENT.

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12 THE ANCHORAGE ASSEMBLY ORDAINS:

13  
14 **Section 1.** Anchorage Municipal Code section 9.36.240, Trespass in Parking Lots, is  
15 hereby amended to read as follows:

16  
17 **9.36.240 Trespass in parking lots.**

18  
19 A. It is unlawful for any driver, passenger, pedestrian or other person to enter  
20 or remain within a public or private parking lot in violation of a clearly visible sign  
21 posted by the owner or operator of such lot, which sign sets forth rules of  
22 occupation of the lot during specified times.

23  
24 B. It is unlawful for a person other than or a police officer to tow, impound, or  
25 authorize the tow or impound, of a vehicle from a private business or residential  
26 parking lot without the vehicle owner's consent unless clearly visible signage is  
27 posted giving notice that vehicles parked in violation of the rules of occupation  
28 will be towed. Signage shall be posted in compliance with section 9.54.050 and  
29 provide sufficient information to assist vehicle owners in the prompt recovery of  
30 any vehicle towed.

31  
32 C. It is unlawful for a person other than a police officer to immobilize any  
33 parked vehicle within a public or private parking lot by use of an impoundment  
34 boot or similar mechanical device.

35  
36 (AO No. 83-51)

37  
38 **Section 2.** Anchorage Municipal Code section 9.48.130 is hereby amended to read  
39 as follows:





1 A. Tow operators shall pay an annual fee of \$500.00, to participate in the  
2 APD Rotational Tow Program, to the municipality by no later than January 15 of  
3 the program year, pursuant to the rotational tow program guidelines.  
4

5 B. The annual participation fee is non-refundable and not subject to pro-ration.  
6

7 C. A contract or approval to participate in the program shall incorporate by  
8 reference the maximum allowable rate schedule reviewed and approved by the  
9 Anchorage Police Department as to reasonableness for towing and storage  
10 charges. The Anchorage Police Department shall review and approve the  
11 maximum allowable rates and charges within each category of vehicle and  
12 service for towing, transport and storage. Penalty charges and fines imposed by  
13 the tow operator are prohibited. All fees and charges imposed by the tow  
14 operator shall be for vehicle and service categories listed in the approved rate  
15 schedule. The actual rates charged by each participant in the program for the  
16 towing, transport and storage service shall be determined at the sole discretion of  
17 the participant, provided the actual rates do not exceed the maximum allowable  
18 rates approved by the Anchorage Police Department for the applicable vehicle  
19 and service category.  
20

21 D. The fee schedule reviewed and approved by the Anchorage Police  
22 Department as to reasonableness under this section shall be filed annually for  
23 electronic publication by the municipal clerk.  
24

25 (AO No. 2005-90, § 4, 1-1-05)  
26

27 **Section 5.** Anchorage Municipal Code section 9.54.030, Rates, is hereby amended to  
28 read as follows:  
29

30 **9.54.030 Published Rates.**  
31

32 A. Each towing operator shall maintain a published itemized list of all fees  
33 that it charges for towing services and storage charges. Each towing operator  
34 shall maintain a current copy of that list on file for electronic publication by  
35 [WITH] the municipal clerk and shall conspicuously post that same list at the  
36 towing operator's office and each impound lot used by the towing operator. All  
37 such fees shall be reasonable. A tow operator's failure to comply with the  
38 requirements of section 9.54.030 is grounds for revocation or suspension of the  
39 municipal towing operator license.  
40

1 1. Allowable fees and charges are limited to towing, transport and  
2 storage services. Penalty charges and fines imposed by the tow operator  
3 are prohibited.  
4

5 2. Add-on fees imposed in violation of section 9.54.055 are prohibited  
6 and shall constitute unlawful penalty charges and fines.  
7

8 3. Towing operator fees and charges within the maximum allowable rate  
9 schedule reviewed and approved by the Anchorage Police Department for  
10 towing and storage charges under section 9.54.025 shall be deemed  
11 reasonable. Towing operator fees and charges in excess of the maximum  
12 allowable rate schedule reviewed and approved by the Anchorage Police  
13 Department under section 9.54.025 are subject to review by the municipal  
14 clerk for reasonableness.  
15

16 4. The municipal clerk shall reject the application if the fees and charges  
17 are unreasonable, or include unlawful add-on fees or other penalty  
18 charges and fines, or do not comply with the requirements for tow  
19 operators in title 9 and title 10.  
20

21 B. It is unlawful for a towing operator to charge or collect a fee which is  
22 greater than that which is filed and approved for publication by [WITH] the  
23 municipal clerk for the time period in which [ON THE DATE THAT] the towing  
24 services [TO WHICH THE FEE PERTAINS] are rendered. Any fee or charge  
25 which constitutes or includes a fine or penalty is unlawful [SHALL BE DEEMED  
26 UNREASONABLE].  
27

28 C. Upon notice from the municipal clerk, [F]failure by the tow operator to  
29 maintain a published [PUBLISH AN] itemized list of all fees charged and  
30 conspicuously post that same list at the towing operator's office and impound lot  
31 shall be subject to [RESULT IN] a fine of \$300.00, plus an additional [AND]  
32 \$10.00 for each [ADDITIONAL] day that reasonable [THE] fees are not published  
33 as required by law [, AFTER WRITTEN NOTICE IS SENT TO THE OPERATOR].  
34

35 D. Changes to licensed [T]tow operator rates [CHANGES] may be submitted  
36 within 60 days of publication of reasonable rates reviewed and approved by the  
37 Anchorage Police Department under section 9.54.025 [BI-ANNUALLY ONLY  
38 DURING THE MONTHS OF JANUARY AND JULY OF EACH YEAR. NO  
39 EXCEPTION TO THESE PERIODS FOR SUBMISSION OF RATE CHANGES  
40 SHALL BE ALLOWED].  
41

1 E. The [PUBLISHED,] itemized list of fees submitted by the tow operator for  
2 publication by the municipal clerk shall be typed or computer generated only, and  
3 shall clearly delineate the fee charged by the tow operator, and the  
4 corresponding maximum rates and charges reviewed and approved by the  
5 Anchorage Police Department for towing, transport and storage under 9.54.025.

6  
7 (AO No. 83-49; AO No. 2005-84(S), § 1, 1-1-06)

8  
9 **State law references:** towing and storage lien, AS 28.10.502.

10  
11 **Section 6.** Anchorage Municipal Code section 9.54.050, Tow-Away from Privately  
12 Owned Areas, is hereby amended to read as follows:

13  
14 **9.54.050 Tow-away from privately owned areas.**

15  
16 No vehicle may be towed from a privately owned area pursuant to Section  
17 9.54.020.A unless the person who controls, owns or possesses that area has  
18 conspicuously posted it with signs as follows:

19  
20 A. Signs shall be no smaller than 30 inches by 30 inches, with letters a  
21 minimum of two inches high.

22  
23 B. Signs shall be posted no less than five feet and no more than six feet above  
24 the ground.

25  
26 C. Signs shall be posted near each entrance and on the property in a  
27 conspicuous location[S] which will be clearly visible to a person seated in a  
28 vehicle entering or parked in the prohibited area during the day and during the  
29 night by [USE OF] artificial illumination, reflective materials or other method in  
30 use on the property.

31  
32 D. Signs shall:

33  
34 1. Describe the private area and timeframe in which parking is prohibited  
35 and a specific statement indicating who is authorized to park, such as  
36 “Customer Parking” or “Vehicles Displaying Valid Permit Only”;

37  
38 2. The name of the towing firm and 24-hour telephone number at which  
39 information about a towed vehicle's location may be obtained and the  
40 street address where the vehicle may be retrieved;

41

1 3. It is the responsibility of the private property owner to order, purchase  
2 and post signs, including all associated costs, in compliance with this  
3 section.  
4

5 E. Authorization of towing services under section 9.54.020E by a property  
6 owner in the absence of posted notice meeting the requirements of section  
7 9.54.050 shall result in a fine of \$300.00 to person giving signature authority for  
8 the tow, plus a fine to the tow operator in an amount equal to 150% of any  
9 vehicle towing and storage charges required to release a vehicle removed in  
10 violation of section 9.54.050. These fines are in addition to any other remedies  
11 and consequences provided by law.  
12

13 (AO No. 83-49; AO No. 85-31; AO No. 2005-84(S), § 2, 1-1-06)  
14

15 **Section 7.** Anchorage Municipal Code chapter 9.54, Towing Procedures, is hereby  
16 amended by adding a new section to read as follows:  
17

18 **9.54.055 Prohibited rates and practices.**  
19

20 A. Tow operators shall not impose towing and storage penalties. Examples of  
21 prohibited penalties include, without limitation, “aggressive client fee,” “profanity  
22 fee,” “wait time fee,” special multipliers in excess of “normal fees,” storage  
23 entrance and “gate fees” during normal business hours, unspecified additional  
24 handling and administrative fees, and nonspecific add-ons to the towing and  
25 storage rates submitted to the municipal clerk for publication.  
26

27 1. Normal business hours shall be at reasonable times to facilitate  
28 timely vehicle retrieval.  
29

30 2. The practice of accepting “cash only” as applied to all vehicle  
31 owners generally, irrespective of individual credit history, is prohibited.  
32

33 3. The add-on of a bona fide fuel surcharge is not prohibited if  
34 submitted for review and publication by the municipal clerk.  
35

36 B. The predatory practice of solicitation or payment of a fee in consideration  
37 of towing service authorization or referral is unlawful and shall render the  
38 signature authority required in section 9.54.020E null and void.  
39

40 **Section 8.** Anchorage Municipal Code section 9.54.060, Enforcement of Chapter, is  
41 hereby amended to read as follows:  
42



1                    2. Private impound means the vehicle has been impounded at the  
2                    direction of a person having control or possession of the private property  
3                    where the vehicle was located.  
4

5                    *Public nuisance* means any act or condition that annoys, injures or endangers  
6                    the safety, health, comfort or repose of the public.  
7

8                    *Tow operator* or *towing operator* shall mean any person or entity providing  
9                    towing services.  
10

11                    *Tow service* or *towing service* shall mean:  
12

13                    1. Transportation of a vehicle by a commercial towing vehicle  
14                    pursuant to Section 9.54.020 to a storage facility described in Section  
15                    9.54.040B. at the request of the person who owns, controls or possesses  
16                    the premises from which the vehicle is removed;  
17

18                    2. Transportation of a vehicle by a commercial towing vehicle  
19                    pursuant to contract or rotational tow program with the municipality;  
20

21                    3. Transportation of a vehicle by a commercial towing vehicle at the  
22                    request of a registered owner or other person authorized to request  
23                    transportation of the vehicle; or  
24

25                    4. All services related to such transportation by a commercial towing  
26                    vehicle, including but not limited to curbside release, release from storage,  
27                    and storage.  
28

29                    (AO No. 2005-83(S), § 1, 1-1-06)  
30

31                    **Section 11.** Anchorage Municipal Code section 10.54.020, License required, is hereby  
32                    amended to read as follows:  
33

34                    **10.54.020 License required.**  
35

36                    A. No person may engage in the business of towing services of vehicles or  
37                    public nuisances parked, stopped or standing on private or public property within  
38                    the Municipality, without first having obtained a towing operator's  
39                    [CONTRACTOR'S] license from the municipal clerk.  
40

41                    \*\*\*                    \*\*\*                    \*\*\*

42                    (AO No. 2005-83(S), § 1, 1-1-06)

1 **Section 12.** Anchorage Municipal Code section 10.54.030, Qualifications for a  
2 License, is amended to read as follows:  
3

4 **10.54.030 Qualifications for a license.**

5 The State of Alaska requires a driver of a vehicle 10,001 pounds or more to have  
6 a current DOT physical and to carry a medical card at all times on duty.  
7 Qualifications for drivers making application for a CDL for vehicles in categories  
8 Class A, B, and C (GWVR 26,001 or more) are established by federal law at 49  
9 CFR Part 391.11. A tow operator licensed under this chapter shall carry at all  
10 times a state medical card and commercial driver's license, if applicable under  
11 state or federal law.  
12

13 (AO No. 2005-83(S), § 1, 1-1-06)  
14

15 **Section 13.** Anchorage Municipal Code section 10.54.040, Application for License, is  
16 hereby amended to read as follows:  
17

18 **10.54.040 Application for license.**

19  
20 A. An application for a municipal towing operator license shall be made to the  
21 municipal clerk on a form approved by the municipal clerk and shall include the  
22 following items:  
23

24 1. The name of the business to be licensed, the physical address of  
25 the business, the physical address of each impound lot used by the tow  
26 operator, and the 24-hour contact telephone number for vehicle retrieval  
27 information;  
28

29 2. The name, mailing and physical addresses, and telephone  
30 numbers of the applicant, who shall be the owner and licensee of the  
31 business on the municipal license;  
32

33 3. A copy of the applicant's state business license, current for the tow  
34 operator license application period, and which shall reflect [BE] the same  
35 [AS THE APPLICANT'S] name and [THE NAME OF THE] business  
36 identity as shown in the tow operator license application [TO BE  
37 LICENSED];  
38

39 4. One or more current certificates of insurance, which provide proof  
40 the applicant and applicant's business is licensed, bonded [BOUNDED]  
41 and insured, with the following minimum insurance requirements:  
42

- 1 a. Worker's compensation insurance as required by state law,  
2 where applicable.  
3  
4 b. Commercial general liability insurance in limits of liability as  
5 required by state law, where applicable.  
6  
7 c. Automobile liability insurance in limits of liability as required by  
8 state law, where applicable.  
9  
10 d. Garage keepers legal liability insurance, including on-hook  
11 coverage (perils - fire, theft, and collision) in limits of liability not  
12 less than \$100,000.00 per location and \$25,000.00 per vehicle.  
13  
14 e. Each policy of insurance required in this section shall provide  
15 for no less than 30 days' advance notice to the municipality prior to  
16 cancellation.  
17  
18 5. A copy of the vehicle registration for each vehicle receiving a  
19 municipal sticker.  
20  
21 6. The name of each driver employed or otherwise commercially  
22 engaged by the tow operator license applicant, with a copy of each  
23 driver's valid Alaska Drivers License, current DMV driving record dated  
24 within 30 days of the tow operator application. If the initial issue date of  
25 the Alaska Driver's License is less than one year from the tow operator  
26 license application, the application shall include the driving record from  
27 any prior jurisdiction under which the driver was licensed.  
28  
29 7. A copy of the inspection report under section 10.54.080 for each  
30 registered vehicle.  
31  
32 8. An itemized list of reasonable fees for all towing services and  
33 storage charges as prescribed in section 9.54.030.  
34  
35 9. The as-built and property information for the impound yard as  
36 prescribed in section 10.54.050.  
37  
38 10 [6]. The annual nonrefundable [BIENNIAL (TWO-YEAR)] municipal  
39 license application fee of \$100 (includes one registered vehicle), plus \$20  
40 for each additional registered vehicle [~~\$200.00~~].  
41  
42

1  
2 **Section 14.** Anchorage Municipal Code section 10.54.080, Commercial vehicle  
3 inspections, is hereby amended to read as follows:  
4

5 **10.54.80 Commercial vehicle inspections.**  
6

7 Each towing vehicle shall satisfactorily pass either [OBTAIN] a level one  
8 commercial vehicle inspection on an annual basis [each year] or a safety  
9 inspection by an ASE certified mechanic on a biennial basis.  
10

11 (AO No. 2005-83(S), § 1, 1-1-06)  
12

13 **Section 15.** Anchorage Municipal Code section 10.54.090, Signage, is hereby  
14 amended to read as follows:  
15

16 **10.54.090 Signage.**  
17

18 A. Each licensed tow operator shall post a sign at each business location,  
19 including impound yards, identifying the name, street address, [AND THE] phone  
20 number and other information required by chapter 9.54 for operation of the  
21 business.  
22

23 (AO No. 2005-83(S), § 1, 1-1-06)  
24

25 **Section 16.** This ordinance shall become effective on the sixty-first day after passage  
26 and approval by the Assembly.  
27

28 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of  
29 \_\_\_\_\_, 2008.  
30

31 \_\_\_\_\_  
Chair

32 ATTEST:  
33

34 \_\_\_\_\_  
Municipal Clerk