

Submitted by: Assembly Vice Chair  
Constant & Assembly  
Member Kennedy at the  
Request of the Mayor

Prepared by: Dept. of Law  
For reading: March 1, 2022

**ANCHORAGE, ALASKA**  
**AO No. 2022-40**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE, TITLE 1, TITLE 3, TITLE 9, TITLE 11, AND TITLE 25 TO CREATE THE AIRPORTS DEPARTMENT.**

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**WHEREAS**, the State of Alaska has requested that the Municipality assume FAA sponsorship of Birchwood Airport located in Chugiak; and

**WHEREAS**, the Municipality sees value to the citizens and users of Birchwood Airport and is qualified to effectively and efficiently assume the operations and future development of this asset; and

**WHEREAS**, to facilitate and structure such a transfer, legislation is required to make minor modifications to municipal code (AMC) now, therefore,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code section 1.35.010 Principal executive personnel, boards and commissions, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**1.35.010 Principal executive personnel, boards and commissions.**

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B. Principal executive personnel and members of boards and commissions who shall take the oath of office. The following officials and municipal executives shall take and subscribe to the oath of office:

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3. Municipal department heads, heads of divisions, directors and managers whose office is created under AMC 3.20, 25.35 or 25.40, including:

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f. Manager [DIRECTOR] – Airports [MERRILL FIELD AIRPORT] (section 3.20.070).

(AO No. 2000-131, § 1, 9-12-00; AO No. 2002-69, § 1, 5-14-02; AO No. 2018-24, § 1, 4-10-18)

**Section 2.** Anchorage Municipal Code section 3.20.010 Executive and administrative order; organizational chart, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**3.20.010 - Executive and administrative order; organizational chart.**

The executive branch of the municipal government shall be organized as provided in this chapter and the following plan:

[Code Revisor Note: Replace current chart with Exhibit A.]

(AO No. 79-27; AO No. 82-49; AO No. 88-82; AO No. 90-15(S); AO No. 91-173(S); AO No. 94-135(S), § 2, 7-12-94; AO No. 2000-105(S), § 2, 6-27-00; AO No. 2000-141(S), § 2, 9-26-00; AO No. 2002-130, § 4, 9-10-02; AO No. 2003-109, § 1, 9-9-03; AO No. 2004-136, § 1, 12-7-04; AO No. 2005-142, § 1, 10-25-05; AO No. 2009-21, § 1, 2-24-09; AO No. 2009-101, § 1, 8-25-09; AO No. 2010-64, § 1(Exh. A), 9-28-10; AO No. 2010-93, § 1(Exh. A), 1-11-11; AO No. 2011-22(S), § 1, 3-29-11; AO No. 2011-25, § 1, 5-24-11; AO No. 2012-106, § 1(Exh. A), 11-13-12; AO No. 2013-34, § 1(Exh. A), 2-26-13; AO No. 2015-112(S), § 1, 1-1-16 ; AO 2018-108(S) , § 1, 12-31-18; AO No. 2020-79(S) , § 1, 8-26-20; AO No. 2020-109 , § 1, 10-13-20; AO No. 2020-121 , § 1, 1-1-21)

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**Section 3.** Anchorage Municipal Code section 3.20.070 Executive branch organization, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**3.20.070 Executive branch organization.**

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B. Within the office of the municipal manager and reporting to the municipal manager or his or her designee are the Office of Equal Opportunity, the Office of Emergency Management, Risk Management Safety, Transportation Inspection, and the following departments:

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5. Airports [MERRILL FIELD AIRPORT]. This department is responsible for operating and maintaining municipal airports [MERRILL FIELD AIRPORT].

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(AO No. 21-76; AO No. 59-76; AO No. 283-76; AO No. 77-359; AO No. 78-82; AO No. 78-113; AO No. 78-121; AO No. 79-27; AO No. 80-5; AO No. 82-49; AO No. 83-159; AO No. 85-8; AO No. 86-204; AO No. 88-47(S); AO No. 88-82; AO No. 89-10; AO No. 89-18; AO No. 89-39; AO No. 90-15(S); AO No. 91-173(S); AO No. 92-79; AO No. 92-148; AO No. 94-135(S), § 8, 7-12-94; AO No. 95-141, § 1, 7-11-95; AO No. 96-47, § 2, 3-5-96; AO No. 98-115(S), § 3, 7-1-98; AO No. 2003-109, § 6, 9-9-03; AO No. 2004-132, § 2, 10-12-04; AO No. 2004-136, § 2, 12-7-04; AO No. 2005-142, § 2, 10-25-05; AO No. 2008-90(S), § 2, 1-1-09; AO No. 2009-21, § 2, 2-24-09; AO No. 2009-101, § 6, 8-25-09; AO No. 2010-64, § 2, 9-28-10; AO No. 2010-93, § 2, 1-11-11; AO No. 2011-40, § 1, 3-29-11; AO No. 2011-25, § 2, 5-24-11; AO No. 2012-106, § 3, 11-13-12; AO No. 2013-34, § 3, 2-26-13; AO No. 2015-112(S), § 5, 1-1-16 ; AO No. 2017-122(S) , § 4, 10-24-17; AO No. 2018-24 , § 3, 4-10-18; AO No. 2018-108(S) , § 3, 12-31-18; AO No. 2018-118 , § 2, 1-1-19; AO No. 2019-42 , § 2, 4-23-19;

AO No. 2019-133 , § 1, 11-5-19; AO No. 2020-23 , § 2, 3-10-20; AO No. 2020-24 , § 1, 3-10-20; AO No. 2020-79(S) , § 2, 8-26-20; AO No. 2020-109 , § 2, 10-13-20; AO No. 2020-121 , § 2, 1-1-21)

**Editor's note**— AO No. 2000-105(S), § 2, adopted June 27, 2000, repealed § 3.20.070, which pertained to municipal organizations. See the Code Comparative Table. Subsequently, AO No. 2003-109, § 6, effective Sept. 9, 2003, added provisions designated as 3.20.070 to read as herein set out.

**Charter reference**— Appointment of department heads, § 5.02(a); municipal manager, § 5.03; municipal attorney, § 5.04.

**Cross reference**— Principal executive personnel, boards and commissions, § 1.35.010.

**Section 4.** Anchorage Municipal Code section 9.14.140 Restricted areas of Merrill Field, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**9.14.140 Restricted areas of municipal airports [MERRILL FIELD].**  
It is unlawful for the driver of any unauthorized vehicle to enter or travel upon any portion of municipal airports [MERRILL FIELD] designated for use by aircraft. Those portions of municipal airports [MERRILL FIELD] designated for aircraft shall include but not be limited to taxiways, runways and runway approach zones.

(CAC 9.14.130; AO No. 78-72; AO No. 78-146; AO No. 2011-113(S), § 28, 11-22-11, eff. 12-22-11)

**Section 5.** Anchorage Municipal Code section 9.20.050 Additional restrictions on crossing, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**9.20.050 Additional restrictions on crossing.**  
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C. Entering restricted areas at municipal airports [MERRILL FIELD]. No pedestrian may enter upon or travel on or across any [MERRILL FIELD] runway or taxiway or other restricted areas posted at a municipal airport by the airport manager.

(CAC 9.20.050; AO No. 78-72)

**Section 6.** Anchorage Municipal Code section 9.48.130 Traffic offenses fine schedule, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**9.48.130 Traffic offenses fine schedule.**  
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Title	Section	Fine Amount
*** **		
<b>TRAFFIC SIGNS, SIGNALS AND MARKINGS</b>		

Unauthorized traffic on <u>municipal airports</u> [MERRILL FIELD] *** **	9.14.140	100.00
*** **		

(CAC 9.48.060; AO No. 78-72; AO No. 88-12; AO No. 88-167; AO No. 88-180; AO No. 89-134; AO No. 90-24; AO No. 94-68(S), § 38, 8-11-94; AO No. 95-67(S), § 5, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-117, § 3, 6-29-95; AO No. 95-163(S), § 20, 8-8-95; AO No. 99-15, § 1, 2-9-99; AO No. 2000-130, § 2, 9-12-00; AO No. 2001-51, § 1, 2-27-01; AO No. 2001-145(S-1), § 8, 12-11-01; AO No. 2003-157, § 2, 12-17-03; AO No. 2004-63, § 2, 4-13-04; AO No. 2011-113(S), § 160, 11-22-11, eff. 12-22-11; AO No. 2012-16, § 6, 2-14-12, retro eff. 12-22-11; AO No. 2013-41(S-1), § 2, 4-23-13; AO No. 2014-42, § 26, 6-21-14; AO No. 2015-111(S-1), § 1, 1-1-16 ; AO No. 2015-126, § 1, 1-1-16 ; EO No. 2016-1, § 6, 7-12-16 ; AO No. 2016-83(S), § 8, 7-26-16 ; AO No. 2019-51(S) , § 3, 6-20-19; AO No. 2019-76 , § 4, 7-12-19)

**State Law reference—** Fine schedule for violations not requiring court appearance, permitted, AS 28.05.151.

**Section 7.** Anchorage Municipal Code section 11.60.030 Authority of airport manager, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**11.60.030 Authority of airport manager.**

- A. The [AN] airport manager shall exercise the powers and duties granted him or her by this chapter only at the municipal airports which he or she manages.
- B. The [AN] airport manager may close a municipal [THE] airport or any part thereof if he or she deems conditions to be unsafe for airport activity.
- C. The [AN] airport manager shall manage the municipal airports so that all activity thereon is conducted in a safe and reasonable manner.
- D. No person may intentionally fail or refuse to obey a lawful order of the [AN] airport manager.

(AO No. 78-177)

**Section 8.** Anchorage Municipal Code section 25.30.040 Disposal for fair market value or for less than fair market value, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**25.30.040 Disposal for fair market value or for less than fair market value.**

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- D. Notwithstanding the provisions of subsection C of this section, municipal land managed by the Airports [MERRILL FIELD AIRPORT] and the Port of Alaska may be leased at less than

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fair market value upon a finding by the assembly that:  
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(AO No. 79-170; AO No. 2017-122(S), § 8, 10-24-17)

**Section 9.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chair

ATTEST:

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



# MUNICIPALITY OF ANCHORAGE

## Assembly Memorandum

No. AM 138-2022

**Meeting Date:** March 1, 2022

1 **From: MAYOR BRONSON**

2  
3 **Subject: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY**  
4 **AMENDING ANCHORAGE MUNICIPAL CODE, TITLE 1, TITLE 3,**  
5 **TITLE 9, TITLE 11, AND TITLE 25 TO CREATE THE AIRPORTS**  
6 **DEPARTMENT.**  
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8 Ordinance AO 2022-40 is asking the Assembly to enable expansion of the current  
9 Municipality aviation interests from one airport (Merrill Field) to a more robust  
10 aviation department, to facilitate the exploratory and transitional processes involved  
11 in acquiring an additional airport. Specifically, this change facilitates the exploration  
12 of, and if the exploratory process reveals expansion is appropriate, acquisition of,  
13 the operational control, management, and future planning efforts of Birchwood  
14 Airport in Chugiak.

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16 The State of Alaska, current manager of Birchwood Airport, approached the  
17 Municipality in late September of 2021 to propose the transfer of sponsorship  
18 concept.

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20 Earlier this February, the Municipality and the State of Alaska adopted a MOU  
21 intended to promote the cooperative process and indicate to the FAA our interest in  
22 pursuing a transfer. This ordinance is needed to provide a funding source to help  
23 pay for the exploratory costs.

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25 The FAA prohibits the comingling of airport funds. Money sent to Merrill Field cannot  
26 be used outside of Merrill Field. The SOA will provide funding for exploratory costs.  
27 That money must be allocated to the specific project. By creating a Department of  
28 the Airports, this will allow funds to be appropriated to the Department, specifically  
29 for Birchwood, thus meeting FAA requirements.

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32 **THE ADMINISTRATION RECOMMENDS APPROVAL.**  
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1 Prepared by: Alexis Johnson, Chief of Staff, Office of the Mayor  
2 Concur: Cheryl Frasca, Director, OMB  
3 Concur: Patrick Bergt, Municipal Attorney  
4 Concur: Amy Demboski, Municipal Manager  
5 Respectfully submitted: Dave Bronson, Mayor  
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7 \* There are no economic effects and therefore pursuant to AMC 2.30.053B.1., no  
8 Summary of Economic Effects is attached to this ordinance.  
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# Municipality of Anchorage

