

CLERK'S OFFICE

APPROVED

Date: 8-6-02

Submitted by: Assemblymember TESCHE

Prepared by: Department of Assembly

For reading: August 6, 2002

ANCHORAGE ALASKA

AO 2002-102(S)

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY ENACTING A NEW CHAPTER 24.35 TO THE ANCHORAGE MUNICIPAL CODE AUTHORIZING THE MAYOR TO CLOSE OR RESTRICT USE OF PUBLIC RIGHTS-OF-WAY IN THE INTERESTS OF NATIONAL SECURITY

THE ANCHORAGE ASSEMBLY ORDAINS.

Section 1: That this legislation shall be known as the "Security Road Closure Ordinance of 2002."

Section 2: That Anchorage Municipal Code Title 24, Streets and Rights-of-Way, is amended by enactment of a new Chapter 24.35 to read as follows:

Chapter 24.35

SECURITY ROAD CLOSURES

- 24.35.010 Security Road Closures Authorized
- 24.35.020 Other Road Closures Necessary to Protect National Security
- 24.35.030 Road Closures Authorized by Other Provisions of this Code
- 24.35.040 Prior Road Closures

24.35.010 Security road closures authorized.

In response to an immediate and credible threat to national security, the Mayor may close or otherwise restrict access to public places as allowed in this Chapter. For purposes of this Chapter, the term "public place" is defined under Section 24.30.010 of this Code.

24.35.020 Other Road closures necessary to protect National security.

Where not otherwise specifically authorized under this Code and to protect national security, the Mayor may also close or otherwise restrict access to a public place if the procedures set forth in A-C of this section are followed.

- A. The Mayor may close or restrict access to any public place in the interests of national security for no more than thirty (30) days with such process and under such terms and conditions as he alone determines appropriate.
- B. Should the Mayor determine that national security requires the closure or restrictions on access to a public place for more than thirty (30) but not more than (90) days from the date of initial action, he shall within thirty (30) days of his initial action meet with the Assembly and explain his decision.

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3 C. Should the Mayor wish to maintain closure of a public place or restrictions on access
4 to a public place for any period beyond ninety (90) days in the interests of national
5 security, the procedures of this subsection shall be followed.
6

- 7 1 Public notice of at least fifteen (15) days before the ninetieth day after the
8 initial action shall be given. Notice shall be given to the relevant community
9 council and be posted on and adjacent to the public place involved and
10 published in a newspaper of general circulation. The notice shall also advise
11 the public of the time and place set for a public meeting and the availability
12 of relevant public documents which were consulted in making the proposed
13 action.
14
15 2. Upon at least fifteen days' notice before the ninetieth day after the initial
16 action, a public meeting shall be conducted in the nearest suitable public
17 facilities in the affected areas. The meeting shall be attended by the person
18 or persons primarily responsible for making the decision to extend the road
19 closure or restricted access beyond ninety days. The public shall be given a
20 reasonable opportunity to comment on the action during the meeting.
21
22 3. With the notice of the public meeting, the public shall be given free and
23 unrestricted access to all records and documents upon which the decision is
24 based, unless that access is otherwise prohibited by Federal, State, or
25 Municipal law.
26
27 4. When issuing a final decision closing or restricting access to a public place
28 in the interests of national security beyond ninety (90) days under this
29 subsection, the Mayor shall issue written findings that support and explain the
30 proposed action. The findings shall be based on substantial evidence in the
31 public record that an immediate and credible threat to national security
32 requires the action beyond the ninety (90) day period described above and
33 shall reflect meaningful consideration of less restrictive or alternate measures.
34

35 **24.35.030 Road closures authorized by other provisions of this code.**
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37 Road closures or limitations imposed on access to or use of public places specifically
38 authorized by other provisions of this Code are not affected by this Chapter.
39

40 **24.35.040 Prior road closures.**
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42 Within a reasonable time after effective date of this ordinance, the Mayor shall
43 promptly remove any restriction on the use of, or access to any public place imposed no
44 more than ninety (90) days prior to the effective date of this Chapter unless that action was
45 lawfully taken by the Mayor under other provisions of this Code or the Home Rule Charter.
46

47 **Section 3:** That Anchorage Municipal Code Chapter 9.02 is amended by enactment of
48 a new Section 9.02.030 to read as follows:
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3 **9.02.030** **Restrictions imposed on access to public places in the interest of**
4 **National Security.**
5

6 This Title does not authorize the Traffic Engineer or any other Municipal official or
7 employee to close public streets, public places, or otherwise restrict public access to
8 municipal rights-of-way in the interests of National security. Those actions are governed
9 by Chapter 24.35 of this Code and the authorities cited in that section.
10

11 **Section 4:** That this ordinance shall take effect immediately upon passage and
12 approval.
13

14 PASSED and approved by the Anchorage Assembly this 6th day of August, 2002.
15

16 
17 Chair

18 ATTEST:

19 
20 Municipal Clerk
21



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

NO. AM 725-2002

Meeting Date: August 6, 2002

From: Assemblymember Tesche

**Subject: AO 2002-102 (S) - ENACTING A NEW CHAPTER 24.35 TO THE
ANCHORAGE MUNICIPAL CODE AUTHORIZING THE MAYOR TO
CLOSE OR RESTRICT USE OF PUBLIC RIGHTS-OF-WAY IN THE
INTERESTS OF NATIONAL SECURITY**

AO 2002-102(S) is being submitted to reflect the technical changes agreed upon by the
Administration and the Assembly.

Your approval of this substitute ordinance is recommended.

Respectfully submitted,

Allan Tesche
Assemblymember

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

As 2002-102(5)

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT An Ordinance Enacting a New Chapter 24.35 to the Anchorage Municipal Code Authorizing the Mayor to Close or Restrict Use of Public Rights-of-way in the Interests of National Security	DATE PREPARED 6-Aug-02 Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM																																																																																								
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Greg Moyer																																																																																								
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6	ASSEMBLY HEARING DATE REQUESTED <i>8/6/02</i>	PUBLIC HEARING DATE REQUESTED																																																																																								

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