

See AD 2002-144 (S-1)

Submitted by: Assemblymember Tesche

Prepared by: Department of Assembly

For reading: September 10, 2002

ANCHORAGE, ALASKA

AO NO. 2002-144

AN ORDINANCE ENACTING ANCHORAGE MUNICIPAL CODE CHAPTER 8.80,  
ESTABLISHING A FEE FOR POLICE PROTECTION SERVICES.

WHEREAS, the Alaska Legislature in 2002 enacted Ch 111 SLA 2002, which authorizes a municipality by ordinance to impose a fee on the owner of residential property, if there are an excessive number of police responses to the property during a calendar year; and

WHEREAS, the fee authorized under Ch 111 SLA 2002 may not exceed the actual cost to the municipality for the excessive responses; and

WHEREAS, the Assembly finds that it is appropriate and in the public interest that an owner of residential property that is the subject of an excessive number of police responses in a calendar year, and who fails to take action to correct the cause of the excessive number of police responses, should bear the cost that the Municipality incurs for the excessive number of police responses; and

WHEREAS, the Assembly finds that an aggregate number of police responses to a residential property during a calendar year in excess of 12 multiplied by the number of dwelling units in the residential property, and an aggregate number of police responses to an individual dwelling unit in a residential property during a calendar year in excess of 12, each is an excessive number of police responses, and that the cost of excessive responses is, on the average, \$500.00 per response.

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY ORDAINS

Section 1. Anchorage Municipal Code Chapter 8.80 is hereby enacted to read as follows:

**Chapter 8.80 FEE FOR POLICE PROTECTION SERVICES**

**8.80.010      Definitions; interpretation.**

As used in Chapter 8.80:

“Dwelling unit” means a structure or portion thereof providing independent and complete cooking, living, sleeping and toilet facilities for a group of persons living as a single housekeeping unit.

1  
2       “Lot” means a parcel of land shown as an individual unit on the most  
3 recent plat of record.

4  
5       “Mobile home” means a detached single dwelling unit fabricated at a  
6 factory and capable of being transported to location of use on its own chassis and wheels,  
7 identified by a model number and serial number by its manufacturer, and designed  
8 primarily for placement on an impermanent foundation.

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10       “Mobile home park” means a lot, or adjacent lots in the same ownership,  
11 used for occupancy by more than two mobile homes.

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13       “Owner,” when used in reference to a residential property, means the  
14 record owner or owners of the residential property as shown in the real property records.

15  
16       “Police response” means the dispatching to a residential property of one or  
17 more police officers in response to a call for assistance, a complaint, an emergency or a  
18 potential emergency; provided that the term “police response” does not include a  
19 response to a call involving potential child neglect, potential domestic violence as defined  
20 in AS 18.66.990, or potential stalking under AS 11.41.260 or 11.41.270.

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22       “Residential property” means a lot and improvements thereon that are  
23 used for, or designed and intended for use for, residential purposes, including one or  
24 more dwelling units, and a mobile home park.

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26       **8.80.020       Fee for police protection services.**

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28       A.     Subject to subsection B of this section, the owner of a residential property  
29 shall pay the municipality a fee of \$500.00 for (i) each police response to the residential  
30 property during a calendar year in excess of 12 multiplied by the number of dwelling  
31 units in the residential property, and (ii) each police response to an individual dwelling  
32 unit in the residential property during a calendar year in excess of 12.

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34       B.     The owner of a residential property shall be liable for the fee established  
35 by subsection A of this section only if:

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37           1.     The municipality has notified the owner in writing as required by  
38 section 8.80.030 that the fee will apply to any additional police responses to the  
39 residential property or to an individual dwelling unit in the residential property, as  
40 the case may be, in the calendar year;

41  
42           2.     The time allowed for corrective action under section 8.80.040 has  
43 expired; and  
44

1                   3.     The owner fails to take effective corrective action as required by  
2     section 8.80.040

3  
4           C.     If a residential property has more than one owner, all owners shall be  
5     jointly and severally liable for any fee imposed under this section.

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7           8.80.030     Notice to property owner.  
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9           A.     The municipality shall notify the owner of a residential property in writing  
10    when the aggregate number of police responses to the residential property in the current  
11    calendar year equals 12 multiplied by the number of dwelling units in the residential  
12    property, or the aggregate number of police responses to an individual dwelling unit in  
13    the residential property in the current calendar year equals 12.

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15          B.     A notice under this section shall be given in a manner that is reasonably  
16    calculated to provide actual notice to the owner of the residential property. At a  
17    minimum, the notice shall be sent by certified mail, return receipt requested, to the  
18    mailing address of the owner as shown on the municipality's real property tax records,  
19    and if the residential property has a different street address, to that street address. The  
20    municipality also shall give notice by certified mail, return receipt requested at another  
21    address where it appears more likely that the owner will receive actual notice at that  
22    address. Such other address may include, without limitation, an address identified from  
23    the telephone directory, public records, or prior police contacts with the residential  
24    property or the owner. The notice also shall be posted at the principal entrance to the  
25    residential property.

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27          C.     The notice shall:

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29               1.     Identify the residential property that is the subject of the notice by  
30     street address and legal description;

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32               2.     State the number of police responses to the residential property or  
33     dwelling unit in the residential property, as the case may be, that have occurred in  
34     the calendar year;

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36               3.     State that if the owner does not take corrective action, the owner  
37     will be liable for a fee for each additional police response to the residential  
38     property, or to the individual dwelling unit in the residential property, as the case  
39     may be, during the calendar year;

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41               4.     State the amount of the fee per additional police response to the  
42     residential property, or the individual dwelling unit in the residential property, as  
43     the case may be; and  
44

1                   5.       State the name and telephone number of a representative of the  
2                   municipality to contact concerning the notice.

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4                   8.80.040       Corrective action.

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6                   A.       An owner of a residential property shall have 30 days from the date of  
7                   mailing of the notice required under section 8.80.030 to take appropriate corrective action  
8                   in response to the notice. Appropriate corrective action shall be action that reasonably  
9                   would be expected to correct the cause of the police responses to the residential property,  
10                  and may include, without limitation, written notice to quit under AS 09.45.100 -  
11                  09.45.110.

12  
13                  B.       There shall be no fee for police responses to the residential property or the  
14                  individual unit in the residential property, if any, that is the subject of the notice, during  
15                  the 30-day period allowed under subsection A of this section if the owner takes effective  
16                  corrective action during the 30-day period. The owner shall be considered to have taken  
17                  effective corrective action if there are no police responses to the residential property or to  
18                  the individual dwelling unit in the residential property from the end of the 30-day period  
19                  until the later of the (i) end of the calendar year, and (ii) the date 90 days after the end of  
20                  the 30-day period allowed under subsection A of this section.

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22                  8.80.050       Lien on property.

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24                  A.       A fee imposed under section 8.80.020 is a lien on the residential property  
25                  to which there have been an excessive number of police responses.

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27                  B.       The lien becomes effective upon the recording of a notice of the lien that  
28                  describes the residential property that is the subject of the lien, states the amount of fees  
29                  for which the lien has been recorded, and states that the lien has been recorded pursuant  
30                  to this section.

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32                  C.       When notice of a lien has been recorded under subsection B of this  
33                  section, the lien has priority over all other liens except:

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35                          1       Liens for property taxes, special assessments, and sales and use  
36                          taxes;

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38                          2.       Liens that were perfected before the recording of the lien under  
39                          this section; and

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41                          3.       Mechanics' and materialmen's liens for which claims of lien under  
42                          AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded  
43                          before the recording of the lien under this section.  
44

**Section 2.** This ordinance shall be effective immediately upon its passage and approval by the Assembly.

**PASSED AND APPROVED** by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2002.



Chair of the Assembly

**ATTEST:**

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

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

AO 2002-144

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

<b>1</b>	SUBJECT OF AGENDA DOCUMENT AO 2002-144 - Establishing a Fee for a Police Protection Services	DATE PREPARED M.O.A. 14-Oct-02 10:29 PM 12:29 Indicate Documents Attached <input checked="" type="checkbox"/> AO <input checked="" type="checkbox"/> CLERK'S OFFICE <input checked="" type="checkbox"/> AME <input type="checkbox"/> AIM	
<b>2</b>	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Greg Moyer	
<b>3</b>	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER	
<b>4</b>	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
X	Mayor		
	Heritage Land Bank		
	Merrill Field Airport		
	Municipal Light & Power		
	Port of Anchorage		
	Solid Waste Services		
X	Water & Wastewater Utility		
X	Municipal Manager		
	Cultural & Recreational Services		
	Employee Relations		
X	Finance, Chief Fiscal Officer		
	Fire		
	Health & Human Services		
X	Office of Management and Budget		
	Management Information Services		
	Police		
	Planning, Development & Public Works		
	Development Services		
	Facility Management		
	Planning		
	Project Management & Engineering		
	Street Maintenance		
	Traffic		
	Public Transportation Department		
	Purchasing		
X	Municipal Attorney		
	Municipal Clerk		
	Other		
	09/10/02 LAID ON THE TABLE BY TITLE ONLY		
<b>5</b>	Special Instructions/Comments		
<b>6</b>	ASSEMBLY HEARING DATE REQUESTED 09/10/02	<b>7</b>	PUBLIC HEARING DATE REQUESTED 10/22/02