

See AO 2003-57(1)

Submitted by: Assemblymember Sullivan
Prepared by: Department of Assembly
For reading: March 18, 2003

**ANCHORAGE, ALASKA
AO NO. 2003-57**

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY ENACTING A NEW
2 CHAPTER 24.35 ESTABLISHING PUBLIC SAFETY REQUIREMENTS FOR SOLICITING
3 BUSINESS OR CONTRIBUTIONS AND PROHIBITING THE DISTRIBUTION OF
4 LITERATURE FROM WITHIN STREET OR HIGHWAY RIGHTS-OF-WAY.

5
6
7 THE ANCHORAGE ASSEMBLY ORDAINS

8
9 Section 1. That Anchorage Municipal Code Title 24 is amended by enactment of a new
10 Chapter 24.35 to read as follows:

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12 **Chapter 24.35 PUBLIC SAFETY REQUIREMENTS FOR SOLICITING**
13 **BUSINESS OR CONTRIBUTIONS FROM WITHIN STREET**
14 **OR HIGHWAY RIGHTS-OF-WAY.**

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16 **24.35.010 Solicitations Prohibited.**

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18 A. It is unlawful for any person to enter upon any part of the right-of way of any public
19 street or highway in the municipality for the purpose of directing, diverting, enticing,
20 or inducing any motorist into any place of business or for the purpose of hawking,
21 touting, soliciting, or for the purpose of soliciting contributions for any person or
22 organization or advertising for any place of business by handbill, word of mouth,
23 signal, portable sign, or any other media delivered, addressed, or directed to any
24 motorist upon such street or highway.

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26 **24.35.020 Permit Requirements.**

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28 A. However, notwithstanding the above, a permit for an activity prohibited by
29 AMC 24.35.010 on the right-of way may be obtained from the traffic engineer,
30 provided the applicant meets the following criteria:

- 31
32 1. The applicant shall provide a plan for review and comment by the traffic
33 engineer, which plan will maximize the safety of the applicant's representatives, as
34 well as the motoring public, at the locations where the solicitation will take place.
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36 2. The applicant shall indicate in specific detail the location of such solicitation,

1 together with the hours thereof, not to exceed twenty-four (24) hours in any
2 forty-eight (48) consecutive hour period.

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4 3. The applicant shall provide an indemnification and hold harmless in favor of the
5 municipality in a form satisfactory to the municipal attorney.

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7 4. No person under the age of sixteen (16) years shall participate in any solicitation
8 in the right-of-way pursuant to a permit granted under this section.

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10 5. All solicitation shall occur during daylight hours only.

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12 B. The traffic engineer may decline to issue subsequent permits to any individual or
13 group violating the parameters of a previously issued permit or violating any
14 requirements of this section, any other municipal ordinance or state statute.

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16 C. During active solicitation, at least one solicitor at each location shall be in possession
17 of a copy of the authorizing permit and shall display the copy to any law enforcement
18 officer upon request. All solicitors shall possess picture identification.

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20 D. Permits issued pursuant to this section shall be for a specific time period not to
21 exceed forty-eight (48) consecutive hours.

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23 E. No individual or group shall be granted more than two permits per calendar year.

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25 **24.35.030 Distribution of literature prohibited.**

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27 A. No person shall stand on any part of the right-of-way of any highway or street located
28 within the municipality for the purpose of distributing any printed or written
29 literature to the occupants of any vehicle.

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31 **24.35.040 Penalty.**

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33 A. Soliciting in the right-of-way without a valid permit issued pursuant to this section
34 shall be punished by a fine not exceeding fifty dollars (\$50.00) for a first offense and
35 two hundred fifty dollars (\$250.00) for a second or subsequent offense.

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37 **Section 2:** This ordinance shall become effective immediately upon its passage and
38 approval.

1 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
2 2003.

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7 _____
8 Chair

9 ATTEST:

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14 _____
15 Municipal Clerk
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MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2003-57

Title: Enacting a New Chapter 24.35 Establishing Public Safety Requirements for
Soliciting Business or Contributions

Sponsor: Assemblymember Sullivan

Preparing Agency: Department of Assembly

Others Impacted: Traffic

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY03	FY04	FY05	FY06	FY07	
Operating Expenditures						
1000 Personal Services						
2000 Non-Labor						
3900 Contributions						
4000 Debt Service						
TOTAL DIRECT COSTS:	\$	\$	\$	\$	\$	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
FUNCTION COST:	\$	\$	\$	\$	\$	
REVENUES:						
CAPITAL:						
POSITIONS: FT/PT and Temp						

PUBLIC SECTOR ECONOMIC EFFECTS:

If AO 2003-57 is approved, the Traffic Department would incur costs for barricades, and other Municipal resources necessary to implement the required permitting process. The Traffic Department currently collects fees for Special Activity Permits; therefore, if a fee is required prior to permit issuance, the fee could cover the additional costs incurred.

PRIVATE SECTOR ECONOMIC EFFECTS:

If a permit fee is approved, applicants would have to pay a fee prior to acquiring a solicitation permit. In addition, private citizens found soliciting in the right-of-way without a valid permit would be required to pay a fine of \$50 for the first offense and \$250 for a second or subsequent offense. Applicants would also be required to provide indemnification and hold harmless insurance.

Prepared by: Elvi Gray-Jackson

Telephone: 343-4751



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 221-2003

Meeting Date: March 18, 2003

From: Assemblymember Sullivan
Subject: **AO 2003-57, An Ordinance Enacting Anchorage Municipal Code Chapter 24.35 Prohibiting Solicitation of Business and Contributions Without a Permit and Prohibiting the Distribution of Literature in Rights-of-Way.**

The attached ordinance is submitted for introduction and referral to the Assembly Public Safety Committee, as well as Planning and Public Works, for comment and review. Other agencies that should provide comments are Public Safety, the Municipal Attorney's Office, and the State Department of Transportation.

The purpose of the ordinance is to protect public safety by prohibiting solicitation of business or contributions in rights-of-way without a permit and by prohibiting the distribution of literature in the rights-of-way. I respectfully request this matter be introduced and forwarded to the entities noted above for review and comment.

Respectfully submitted,

A handwritten signature in cursive script, reading "Dan Sullivan".

Assemblymember Dan Sullivan

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

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT An Ordinance Enacting a New Chapter 24.35 Establishing Public Safety Requirements for Soliciting Business or Contributions and Prohibiting Distribution of Literature from Within Street or Highway Rights-of-Way	DATE PREPARED 3/7/03	
		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	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Assembly Counsel Administrative Assistant	HIS/HER PHONE NUMBER 4420	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
	Mayor		
	Heritage Land Bank		
	Merrill Field Airport		
	Municipal Light & Power		
	Port of Anchorage		
	Solid Waste Services		
	Water & Wastewater Utility		
	Municipal Manager		
	Cultural & Recreational Services		
	Employee Relations		
	Finance, Chief Fiscal Officer		
	Fire		
	Health & Human Services		
	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		
	Municipal Attorney		
	Municipal Clerk		
	Other		
5	Special Instructions/Comments <div style="text-align: center; font-style: italic; font-size: 1.2em;">Introduction</div>		
6	ASSEMBLY HEARING DATE REQUESTED 3/18/03	7	PUBLIC HEARING DATE REQUESTED

M.O.A.
 2003 MAR -4 AM 10:14
 CLERK'S OFFICE