

See Ac 20. -57(S)-1

Submitted by: Assemblymember Sullivan
Prepared by: Department of Assembly
For reading: May 13, 2003

**ANCHORAGE, ALASKA
AO NO. 2003-57(S)**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY ENACTING A NEW
CHAPTER 24.45 ESTABLISHING PUBLIC SAFETY REQUIREMENTS FOR SOLICITING
BUSINESS OR CONTRIBUTIONS AND PROHIBITING THE DISTRIBUTION OF
LITERATURE FROM WITHIN STREET OR HIGHWAY RIGHTS-OF-WAY.**

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. That Anchorage Municipal Code Title 24 is amended by enactment of a new Chapter 24.45 to read as follows:

**Chapter 24.45 PUBLIC SAFETY REQUIREMENTS FOR SOLICITING
BUSINESS OR CONTRIBUTIONS FROM WITHIN STREET
OR HIGHWAY RIGHTS-OF-WAY.**

24.45.010 Solicitations Prohibited.

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

24.45.020 Permit Requirements.

- A. However, notwithstanding the above, a permit for an activity prohibited by AMC 24.45.010 on the right-of way shall be issued by the traffic engineer, provided the applicant meets the following criteria:
1. The applicant shall provide a plan for review and comment by the traffic engineer, which plan will maximize the safety of the applicant's representatives, as well as the motoring public, at the locations where the solicitation will take place. The applicant shall pay a permit fee in the amount of \$100 to the municipality. The traffic engineer may impose reasonable safety requirements.

2. The applicant shall indicate in specific detail the location of such solicitation, together with the hours thereof, not to exceed twenty-four (24) hours in any forty-eight (48) consecutive hour period.

3. The applicant shall provide:

a. An indemnification and hold harmless agreement in favor of the municipality in a form satisfactory to the municipal attorney;

b. A certificate of insurance listing the municipality as an additional insured in the amount of 1 million dollars.

4. The Municipal Risk Manager shall review the application to determine if insurance additional to that required in subsection 24.45.020.A.3.b is required, based on the scope of the activity.

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

6. All solicitation shall occur during daylight hours only.

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

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

D. Permits issued pursuant to this section shall be for a specific time period not to exceed twenty-four (24) hours in any forty-eight (48) consecutive hour period.

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

F. For purposes of this section only, the term "right-of-way" shall be deemed to include all portions of any public roadway normally available for use by motor vehicles and all medians or traffic islands within such roadways, and shall include up to 4 feet of the area adjacent to the roadway. This section does not apply to State streets and highways subject to AS 19.25.075-180.

24.45.030 Distribution of literature prohibited.

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

24.45.040 Penalty.

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

24.45.050 Relationship of this chapter to State law.

No provision of this chapter shall be interpreted as authorizing an activity that would conflict with the provisions of Alaska statutes sections 19.25.075-19.25.180.

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

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

Chair

ATTEST:

Municipal Clerk

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

AD 2003-57(S)

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT An Ordinance Enacting a New Chapter 24.45 Establishing Public Safety Requirements for Soliciting Business or Contributions and Prohibiting Distribution of Literature from Within Street or Highway Rights-of-Way	DATE PREPARED 5/9/03
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input 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
	Mayor Heritage Land Bank Merrill Field Airport Municipal Light & Power Port of Anchorage Solid Waste Services Water & Wastewater Utility	A
	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: right; padding-right: 50px;"> <i>addendum - continued</i> <i>Public Hearing BRR</i> </div>	
6	ASSEMBLY HEARING DATE REQUESTED 5/13/03	7 PUBLIC HEARING DATE REQUESTED 5/13/03

2003 MAY - 9 PM 3:46
 CLERK'S OFFICE