ANCHORAGE, ALASKA
AO NO. 2005–191

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY SUBMITTING A BALLOT
PROPOSITION TO THE QUALIFIED VOTERS OF THE MUNICIPALITY OF ANCHORAGE AT THE
REGULAR ELECTION OF APRIL 4, 2006, TO AMEND ANCHORAGE MUNICIPAL CHARTER
ARTICLE XXI, MUNICIPAL VEHICLE CODE ENFORCEMENT STANDARDS.

WHEREAS, since passage of Proposition 3 in 1997, parking and right-of-way enforcement is
limited under Charter Article XXI to sworn and qualified police officers issuing citations in
person; and

WHEREAS, Assembly Ordinance No. 2005–26, passed and approved on July 12, 2005, amends
the definitions found in the Vehicle and Traffic Code to define peace officer to include police
officers and other municipal employees designated in writing by the Chief of Police, to become
effective upon passage of the ballot proposition set forth in this companion ordinance;

NOW THEREFORE THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. A ballot proposition in substantially the following form shall be placed on the
ballot and submitted to the qualified voters of the Municipality at the regular municipal election
of April 4, 2006, amending Charter Article XXI. Amendments are shown with new language in
bold and underlined. Language to be deleted is [CAPITALIZED AND IN BRACKETS].
(Subsections 21.03, 21.05, and 21.06 are not affected, and therefore not set out.)

Proposition __

CHARTER AMENDMENT

AMENDMENTS TO MUNICIPALITY OF ANCHORAGE HOME RULE
CHARTER, ARTICLE XXI, MUNICIPAL VEHICLE CODE ENFORCEMENT
STANDARDS, TO AUTHORIZE TRAFFIC VIOLATION ENFORCEMENT BY
MUNICIPAL PEACE OFFICERS DESIGNATED IN WRITING BY THE CHIEF
OF POLICE.

Shall the Municipality of Anchorage Home Rule Charter, Article XXI, Municipal
Vehicle Code Enforcement Standards, be amended as follows to authorize traffic
violation enforcement by municipal peace officers designated in writing by the
Chief of Police?
Section 21.01 Vehicle violation enforcement.

No enforcement of any vehicle violation, whether the vehicle is parked or in motion may be performed by the Municipality of Anchorage by any persons other than a regularly sworn police officer who meets the standards set forth in A.S. 18.65.290(7) [A.S. 18.65.290(5)(A) or (B)] or a municipal employee designated in writing as a peace officer by the Chief of Police. Such enforcement includes, but is not limited to, any and all civil or criminal statutes, codes, ordinances or regulations which apply to the regulation of vehicles and which currently exist or may exist in the future.

(Prop. 3 of 4-15-97 election, effective 6-6-97, § 1)

Section 21.02 Prohibited vehicle impound, towing and transportation from public streets and emergency exception.

No vehicle may be impounded, towed, or transported from upon the public streets in the Municipality of Anchorage without the written permission of either the owner or the operator of the vehicle, a valid court order, or unless an impound notice is placed on the vehicle by a police officer or peace officer qualified as set forth in Section 21.01 above. This shall not prohibit necessary emergency action in the event that a vehicle presents an immediate threat to life or public safety.

(Prop. 3 of 4-15-97 election, effective 6-6-97, § 2)

Section 21.03 Liability for improper impound, towing and transportation; private rights.

(No change.)

Section 21.04 Prohibited enforcement and delegation of enforcement; enforcement in person; prohibited administrative enforcement.

Enforcement of any part of the present or future state or Anchorage municipal vehicle laws or codes by anyone other than police officers or peace officers qualified as set forth in Section 21.01 above is prohibited. The Anchorage Assembly may not delegate vehicle related enforcement powers to any agency other than the police officers or peace officers as described in Section 21.01 above, nor shall they delegate by ordinance, contract, or otherwise such powers to anyone other than police officers or peace officers qualified as set forth in Section 21.01 above. Any and all vehicle law or code enforcement activity by such a police officer or peace officer must be performed in person. Any vehicle law [I.A.Y. (SIC)] or
code enforcement powers which may currently exist, other than those vested in police officers or peace officers as described in Section 21.01 above, are null and void. Review of all vehicle law and code enforcement within the Municipality of Anchorage shall be, and remain with, the judicial branch of government as described in Article IV of the Alaska Constitution, with such right of appeal as the law provides. This law is not to be construed as defining the jurisdiction of courts or prescribing their rules, rather, this ordinance declares that the Municipality shall not enforce any motor vehicle ordinance or policy by way of administrative process. (Prop. 3 of 4-15-97 election, effective 6-6-97, § 4)

Section 21.05 Supremacy of municipal vehicle code enforcement standards.

(No change.)

Section 21.06 Private rights; parties; estoppel of sovereign immunity; damages and attorneys fees.

(No change.)

YES [ ]

NO [ ]

Section 2. The proposition set out in Section 1 of this ordinance shall be incorporated into the Home Rule Charter if, and only if, approved by a majority of the qualified voters voting on the question at the regular election of April 4, 2006.

Section 3. Section 1 of this ordinance shall become effective upon passage and approval by a two-thirds vote of the Assembly as set forth in Charter Section 18.02. Section 2 of this ordinance shall become effective upon certification of the April 4, 2006, election if, and only if, the proposition is passed by a majority of the qualified voters voting on the question contained therein.

PASSED AND APPROVED by the Anchorage Assembly this 31st day of January, 2006.

Ann Pedersen Fairclough
Chair

ATTEST:

Municipal Clerk
ANCHORAGE, ALASKA
AO NO. 2005-26

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
ANCHORAGE MUNICIPAL VEHICLE AND TRAFFIC CODE SECTION 9.04.010,
DEFINITIONS, TO REPEAL PARKING ENFORCEMENT OFFICER, DEFINE A
PEACE OFFICER, AND TO INCLUDE PARKING ENFORCEMENT BY POLICE
OFFICERS TOGETHER WITH TRAFFIC ENFORCEMENT; AND AMENDING
SECTION 9.30.240, ENFORCEMENT OFFICERS, TO INCLUDE A PEACE OFFICER
FOR VIOLATIONS OF CHAPTERS 9.30, 9.32, AND 9.34, AND PROHIBITING
PHOTO RADAR.

Section 1. Anchorage Municipal Code Section 9.04.010, Definitions, is amended to read as
follows:

9.04.010 Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings
ascribed to them in this section, except where the context clearly indicates a different
meaning. (CAC 9.04.010; AO No. 78-72)

[PARKING ENFORCEMENT OFFICER MEANS A PERSON DESIGNATED IN
WRITING BY THE TRAFFIC ENGINEER TO ENFORCE CHAPTERS 9.30, 9.32
AND 9.34.] (AO No. 283-76; AO No. 78-72)

Peace-officer means: 1) every sworn police officer of the Anchorage Police Department or
any police department employee designated in writing by the Police Chief; 2) a state or
municipal fire inspector designated in writing by the Fire Chief for the purpose of issuing
citations for vehicles parked illegally in fire lanes, obstructing fire hydrants, blocking fire
department connections, or any other threat to public welfare and life safety due to
obstructing access by emergency apparatus; 3) a person designated in writing by the
Development Services Director for the purpose of issuing citations for vehicles parked
illegally in a right-of-way; 4) a person designated in writing by the Traffic Engineer to
enforce chapters 9.30, 9.32 and 9.34.
Peace officer means every sworn police officer of the Anchorage Police Department or any municipal employee designated in writing by the Chief of Police.

Police officer means every officer of the municipal police department or any officer authorized in writing by the Chief of Police to direct or regulate traffic or to make arrests for violations of traffic regulations or enforce parking violations as defined in AMC Chapters 9.30, 9.32 and 9.34. (CAC 9.04.400; AO No. 78-72)

Section 2. That Anchorage Municipal Code Section 9.30.240, Enforcement Officers, is amended to read as follows:

9.30.240 Enforcement officers; photo radar prohibited.

Notwithstanding any other provision of this Code, the provisions of chapters 9.30, 9.32 and 9.34 may be enforced by any police officer or peace officer, as defined in Section 9.04.010. The use of photo radar in the municipality is prohibited.

(AO No. 283-76; AO No. 78-72; AO No. 82-186(S); AIM 33-83; AO No. 89-50; AO No. 99-136, § 2, 10-26-99)

Section 3. AMC 9.04.010 definitions peace officer and police officer, and AMC 9.30.240 may only be amended or repealed by a two-thirds vote of the Assembly.

Section 4. This ordinance shall become effective upon certification of the April 5, 2005 April 4, 2006, general election, but only if the ballot proposition repealing Anchorage Charter Article XXI relating to municipal vehicle code enforcement standards is passed by a majority of the qualified voters voting on the question contained in the proposition.

PASSED AND APPROVED by the Anchorage Assembly this 12th day of July, 2005.

Chair

ATTEST:

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

1) SUBJECT OF AGENDA DOCUMENT: BALLOT PROPOSITION - AMEND CHARTER 
   ARTICLE XXI, MUNICIPAL VEHICLE CODE 
   ENFORCEMENT STANDARDS 
   DATE PREPARED: 12/13/05

2) DEPARTMENT NAME: Assembly 
   THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY: Susan B. Lutz - Assembly Counsel's Office
   DIRECTOR'S NAME: Anna Fairclough, Chair
   PHONE NUMBER: 343-4572

3) COORDINATED WITH AND REVIEWED BY 
   INITIALS 
   DATE 
   Mayor 
   Municipal Clerk 
   Municipal Attorney 
   Employee Relations 
   Municipal Manager 
   Cultural & Recreational Services 
   Fire 
   Health & Human Services 
   Merrill Field Airport 
   Municipal Light & Power 
   Office of Management and Budget 
   Police 
   Port of Anchorage 
   Public Works 
   Solid Waste Services 
   Transit 
   Water & Wastewater Utility 
   Executive Manager 
   Community Planning & Development 
   Finance, Chief Fiscal Officer 
   Heritage Land Bank 
   Management Information Services 
   Property & Facility Management 
   Purchasing 
   Other 

5) Special Instructions/Comments
   CONSENT AGENDA - INTRODUCTION

6) ASSEMBLY HEARING DATE REQUESTED: 12/20/05

7) PUBLIC HEARING DATE REQUESTED: 1/24/06