

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Dept. of Law
For reading: May 23, 2006

CLERK'S OFFICE

APPROVED

Date: 6-6-06

ANCHORAGE, ALASKA
AO No. 2006-80

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 14.60.030 FOR
2 CONSISTENCY WITH AO 2005-83(S) AS AMENDED.
3

4
5 WHEREAS, on August 30, 2005, the Assembly passed AO 2005-83(S) as amended, adopting Anchorage
6 Municipal Code (AMC) chapter 10.54 regarding licensing of towing operators in the Municipality and
7 amending section 10.05.025C. to add a fine for failure of a towing operator to comply with the licensing
8 requirement; and
9

10 WHEREAS, in order for the fine in section 10.05.025C., for failure to comply with licensing
11 requirements in chapter 10.54, to be assessed, it must also be set out in section 14.60.030; and
12

13 WHEREAS, inadvertently, AO 2005-83(S) as amended, did not amend section 14.60.030 to set out a fine
14 for compliance with licensing requirements in the new chapter 10.54; now, therefore,
15

16 THE ANCHORAGE ASSEMBLY ORDAINS:
17

18 **Section 1.** Anchorage Municipal Code section 14.60.030 is amended to read as follows (*the*
19 *remainder of the section is not affected and therefore not set out*):
20

21 **14.60.030 Fine schedule.**
22

23 The fine schedule under this chapter is as follows:
24 TABLE INSET:
25

<u>Code Section</u>	<u>Offense</u>	<u>Penalty/Fine</u>
*** **		
10.05.020 per 10.05.025D[C].	A.--F. Business license violations	75.00
*** **		
10.54.020B. per 10.05.020C.	No towing operator license	500.00


34 *** **

35 (AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94;
36 AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO
37 No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No.
38 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO
39 No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No.
40 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO
41 No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No.

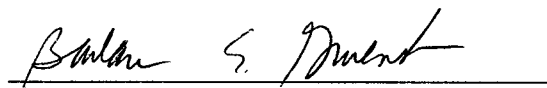
2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-84(S), § 3, 1-1-06)

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

PASSED AND APPROVED by the Anchorage Assembly this 6th day of June, 2006.


Chair of the Assembly

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2006-80 Title: An ordinance amending Anchorage Municipal Code section 14.60.030 for consistency with AO 2005-83 (S) as amended.

Sponsor: Assembly Chair at the request of the Mayor
Preparing Agency: Department of Law
Others Impacted: Office of the Clerk, Anchorage Police Department

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY06	FY07	FY08	FY09	FY10	
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:

There are no significant public sector costs associated with amending an AMC nor are the substantial public sector costs (i.e. greater than \$30,000) associate with this particular ordinance.

PRIVATE SECTOR ECONOMIC EFFECTS:

There are no significant private sector costs associated with amending an AMC nor are the substantial private sector costs (i.e. greater than \$30,000) associate with this particular ordinance.

Prepared by: Steven B. King, Utility Budget Analyst
Reviewed by: Barbara Gruenstein and Guadalupe Marroquin

Telephone: 343-4714
Telephone: 343-4311 and 343-4376

ANCHORAGE, ALASKA
AO No. 2005-83(S) as amended

1 AN ORDINANCE AMENDING TITLE 10 TO ADD A NEW CHAPTER FOR LICENSING OF TOWING
2 OPERATORS IN THE MUNICIPALITY, AMENDING SECTION 10.05.025 TO ADD A FINE, AND
3 OTHER MATTERS.

4
5
6 THE ANCHORAGE ASSEMBLY ORDAINS:

7
8 **Section 1.** Anchorage Municipal Code title 10 is hereby amended to add a new chapter 10.54 for
9 municipal licensing of towing operators, to read as follows (*the remainder of the chapter is not affected, and*
10 *therefore not set out*):

11 **CHAPTER 10.54 TOW OPERATORS.**

12
13 **10.54.010 Definitions.**

14
15 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed
16 below:

17
18 *Public nuisance* means any act or condition that annoys, injures or endangers the safety, health,
19 comfort or repose of the public.

20
21 *Tow operator or towing operator* shall mean any person or entity providing towing services.

22
23 *Tow service or towing service* shall mean:

- 24
25 1. Transportation of a vehicle by a commercial towing vehicle [~~from a private location~~]
26 pursuant to section 9.54.020 to a storage facility described in section 9.54.040B. at the
27 request of the person who owns, controls or possesses the premises from which the vehicle is
28 removed;
- 29
30 2. Transportation of a vehicle by a commercial towing vehicle pursuant to contract or rotational
31 tow program with the municipality;
- 32
33 3. Transportation of a vehicle by a commercial towing vehicle at the request of a registered
34 owner or other person authorized to request transportation of the vehicle; or [~~and~~]
- 35
36 4. All services related to such transportation by a commercial towing vehicle, including but not
37 limited to curbside release, release from storage, and storage.
- 38

39 **10.54.020 License required.**

40

1 A. No person may engage in the business of towing services of vehicles or public nuisances
2 parked, stopped or standing on private or public property within the Municipality, without
3 first having obtained a towing contractor's license from the municipal clerk.

4
5 B. A person engaging in the business of towing services without the tow operator license
6 required in this chapter is subject to a fine as set out in section 10.05.025C.

7
8 **10.54.030 Qualifications for a license.**

9
10 A tow operator licensed under this chapter shall carry at all times a state medical card and commercial
11 driver's license, if applicable.

12
13 **10.54.040 Application for license.**

14
15 A. An application for a municipal towing operator license shall be made to the municipal clerk on
16 a form approved by the municipal clerk and shall include the following items:

- 17
18 1. The name of the business to be licensed;
19
20 2. The name, mailing and physical addresses, and telephone numbers of the applicant,
21 who shall be the owner and licensee of the business on the municipal license;
22
23 3. A copy of the applicant's state business license, which shall be the same as the
24 applicant's name and the name of the business to be licensed;
25
26 4. One or more current certificates of insurance, which provide proof the applicant and
27 applicant's business is licensed, bonded and insured, with the following minimum
28 insurance requirements:
29
30 a. Worker's compensation insurance as required by state law, where applicable;
31
32 b. Commercial general liability insurance in limits of liability **as required by**
33 **state law, where applicable.** ~~[not less than \$1,000,000 combined single limit~~
34 ~~for bodily injury and property damage per occurrence, and \$1,000,000~~
35 ~~combined single limit for bodily injury and property damage in the aggregate;]~~
36
37 c. Automobile liability insurance in limits of liability **as required by state law,**
38 **where applicable.** ~~[not less than \$1,000,000 combined single limit for bodily~~
39 ~~injury and property damage per occurrence, including coverage for any vehicle~~
40 ~~or owned, hired and non-owned vehicles; and]~~
41
42 d. Garage keepers **legal** liability insurance, including on-hook coverage (perils -
43 fire, theft, and collision) in limits of liability not less than \$100,000 per
44 location and \$25,000 per vehicle.
45
46 e. Each policy of insurance required in this section shall provide for no less than
47 thirty (30) days' advance notice to the municipality prior to cancellation; and

5. A copy of the vehicle registration for each vehicle receiving a municipal sticker.

6. The biennial (2 year) municipal license application fee of Two Hundred Dollars (\$200.00).

10.54.050 Location of business.

A. A towing operator license shall be issued only to a towing operator with a properly zoned impound yard(s), if applicable; and

B. The applicant shall provide an as-built and complete address for the impound yard location(s), including legal description and physical street location(s).

10.54.060 Record of transactions.

Upon request, a towing operator licensee shall forward, within five (5) calendar days of auction, a completed copy of Division of Motor Vehicle Form 826, Notice of Impound and Sale Form, for each vehicle auctioned, either by hand-delivery or U. S. mail to:

Anchorage Police Department
Impound Section
4501 S. Bragaw Street
Anchorage, Alaska 99507

10.54.070 Posting of licenses, permits, certificates and documents.

A. A licensee shall maintain the following documents, as applicable, either at the towing operator impound yard, or in the vehicle from which the towing operator business is conducted pursuant to the business license, and shall display them to any person upon request:

1. Current state business license for the business operated pursuant to the municipal license;
2. All federal, state and municipal documents relating to the federal motor carrier safety administration and the state department of transportation and public facilities;
3. Certificate of insurance showing current workers' compensation coverage; and
4. All government documents relating to the provisions of services offered by the licensee.
5. Placement of one (1), 3" in diameter colored municipal sticker displaying the Municipality logo and the year the sticker is valid, on the lower left corner of the windshield on the driver's side. The municipal sticker shall be visible at all times.

6. Notice of Claim forms shall be available for the public at the front counter of the towing business impound yard.

7. Current rate sheets setting out applicable towing and storage charges for the towing business shall be available for the public at the front counter of the impound yard.

10.54.080 Commercial Vehicle Inspections.

Each towing vehicle shall obtain a level one (1) commercial vehicle inspection each year.

10.54.090 Signage.

A. Each licensed tow operator shall post a sign at each business location, including impound yards, identifying the name, street address and the phone number for the business.

~~[Each business location utilizing towing services is responsible for the cost of ordering, purchasing, and posting a least one (1) sign which shall:~~

- ~~1. Measure at least 30"x 30", with letters four inches high;~~
- ~~2. Be made of at least .080 aluminum with 1.5" radius corners;~~
- ~~3. Be printed in red text and border on white engineer grade reflective sheeting, single sided; and~~
- ~~4. Signage shall comply with this section within one (1) year from adoption of this chapter.]~~

Section 2. Anchorage Municipal Code section 10.05.025 is amended to add a fine as follows (*the remainder of the section is not affected, and therefore not set out*):

10.05.025 Penalties and remedies.

*** *** ***

C. Any person who violates the tow operator license requirement provisions in chapter [section] 10.54 [-020] shall be subject to a fine of [\$200.00] \$500.

D [C]. In addition to any other remedy or penalty provided by this title, any person who violates any provision of this title, regulations issued under this title, or the terms, conditions or limitations of any license issued under this title shall be subject to a civil penalty as set forth in Section 14.60.030, or, if no penalty is included in Section 14.60.030, a civil penalty of not less than \$50.00 and not more than \$1,000.00 for each offense, or injunctive relief to restrain the person from continuing the violation or threat of violation, or both the civil penalty and injunctive relief. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this title, regulations issued under this title, or the terms, conditions or limitations of any license issued under this title, the superior court shall grant injunctive relief to restrain the violation.

E [D]. Each day of violation of any provision of this title or regulations and licenses issued under this

1 title shall constitute a separate offense.

2
3 (AO No. 80-131; AO No. 83-182; AO No. 87-74(S), 6-30-87; AO No. 93-167(S-1), § 9, 4-13-94;
4 AO No. 96-105, § 1, 8-6-96)

5
6 *Cross references:* General penalties and enforcement, chapter 1.45.

7
8 **Section 3.** This ordinance shall be effective January 1, 2006. ~~immediately upon passage and approval by~~
9 ~~the Assembly.~~

10
11
12 PASSED AND APPROVED by the Anchorage Assembly this 23rd day of August, 2005.

13
14
15 Anna L. Fairclough
16 Chair of the Assembly

17
18 ATTEST:

19
20 Brian S. Marks
21
22 Municipal Clerk
23

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

AO 2006-80

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED	
	AMEND AMC 14.60.030 FOR CONSISTENCY WITH	5/10/06	
	AO 2005-83(S) AS AMENDED (Fine Schedule for No Towing Operating License)		
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM	
2	DEPARTMENT NAME	DIRECTOR'S NAME	
	Assembly	Dan Sullivan, Chair	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER	
	Rhonda Fehlen-Westover - Municipal Attorney's Office	343-4532	
4	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	7	PUBLIC HEARING DATE REQUESTED
	5/23/06		6/6/06

2006 MAY 10 AM 9:43
 CLERK'S OFFICE