

Submitted by: Chair of the Assembly at the
Request of the Mayor

Prepared by: Development Services Dept.

For reading: April 17, 2007

CLERK'S OFFICE

APPROVED

Date: 5-15-07

ANCHORAGE, ALASKA

AO No. 2007-70

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS
2 24.30, 24.80 AND 14.60 TO ESTABLISH AN ANNUAL VERTICAL BORE PERMIT,
3 AND ESTABLISH FINES AND/OR PENALTIES TO IMPROVE EXCAVATION
4 SAFETY FOR THE RIGHT-OF-WAY DIVISION, DEVELOPMENT SERVICES
5 DEPARTMENT.

6
7
8 WHEREAS, as part of developing the 2007 Municipality of Anchorage budget, the
9 Right-of-Way Division identified the need for costs associated with fees, fines and
10 penalties to reflect actual costs, and identified the need for an annual vertical bore permit
11 reducing costs to the industry without increasing costs to the Municipality or taxpayers;
12 and

13
14 WHEREAS, in cases where fees, fines and penalties did not reflect actual costs, the
15 division is proposing adjustments to more fully recover costs;

16
17 WHEREAS, the proposed new or increased fees, fines and penalties reflect an
18 identifiable, associated cost to the Municipality, such proposed new or increased fees,
19 fines and penalties do not fall under the limitation set forth in chapter 3.99 or, in the
20 alternative, this ordinance authorizes the establishment and/or adjustment of fees, fines
21 and penalties notwithstanding such limitations; now therefore,

22
23 THE ANCHORAGE ASSEMBLY ORDAINS:

24
25 **Section 1.** Anchorage Municipal Code chapter 24.30. is hereby amended to read as
26 follows (*the remainder of the chapter is not affected and therefore not set out*):

27
28
29 **24.30.010** **Definitions**

30
31 The following words, terms and phrases, when used in this title, shall have the
32 meanings ascribed to them in this section, except where the context clearly
33 indicates a different meaning:

34
35 *** **

36
37 Violator means any person(s), organization, company, business, corporation,
38 property owner, tenant, contractor, contractee, lessor, lessee or other entity that

1 uses a public place without a permit or not in compliance with the conditions of a
2 permit.

3
4 In any instance where snow, ice, water, dirt, debris, construction material(s),
5 gravel or any organic or inorganic matter of any kind is placed, pushed, plowed,
6 directed, discharged, or deposited in, on, under or across a public place from
7 property, the owner of the property where the materials originated shall be
8 responsible and is defined as a violator. If a violator, other than the property
9 owner, uses a public place as described above, both the violator and property
10 owner may be defined as violators.

11
12 *** **

13
14 (CAC 10.24.010--10.24.160; CAC 10.40.120.F; AO No. 87-66; AO No. 99-13(S),
15 § 2, 3-16-99; AO No. 2003-68, § 9, 9-30-03)

16
17 **24.30.020 Permit required; sidewalk permits and exemptions.**

18
19 *** **

20
21 D. Annual Vertical Bore Permit. Subject to the provisions of this chapter, an
22 annual, calendar-year vertical bore permit may be issued to allow use of
23 and encroachment in the public place.

- 24
25 1. A permit may be issued solely for the purpose of drilling test
26 bores.
27
28 2. The annual fee for a permit shall be \$1,150.00.
29
30 3. A permit may include several locations. However, a sub-permit
31 shall be required and issued for each project.
32
33 4. Sub-permits are not required to be signed, may be electronically
34 transmitted to the permittee, and no inspection fees apply.
35
36 5. Applicable traffic control plans and road closure fees shall be
37 required.

38
39 E. Restoration warranty for work inside a roadway prism. A permittee
40 performing work in a roadway prism under an annual vertical bore permit
41 pursuant to this chapter shall warrant the performance of the excavation,
42 backfill, compaction and resurfacing. Collectively, this work shall be
43 referred to as "restoration." The warranty period shall start when the
44 permit is closed. The permittee shall warrant the performance of the
45 restoration shall be at least equal to the performance of the adjacent
46 surface grade and cross-section, until such time as the roadway prism
47 within and adjacent to the restored area is resurfaced by asphaltic overlay

or removal and replacement. Permittee shall also warrant the joint between the restored area and existing surfacing shall be free of cracking and separation.

(CAC 10.28.050; AO No. 79-220; AO No. 97-88, § 1, 6-3-97; AO No. 99-13(S), § 3, 3-16-99; AO No. 2000-64, § 2, 4-18-00; AO No. 2003-68, § 9, 9-30-03)

24.30.120 **Issuance of Permit.**

*** *** ***

E. A right-of-way permit is not valid until a valid One-Call ticket number is provided as proof underground facility owners were contacted for surface markings. The One-Call ticket number shall be submitted at the time of notification of commencement of work.

(CAC 10.32.100; AO No. 87-66; AO No. 2003-68, § 9, 9-30-03)

24.30.150 **Notification of commencement of work.**

- A. At least two working days before the work is commenced or resumed, the permittee shall give notice of the time of commencement of the work to the director of development services, and,[]
- B. A valid One-Call ticket (utility locate) number shall be submitted at the time of notification of commencement of work as proof underground facility owners were contacted for surface markings, and,
- C. The right-of-way permit is not valid without the required two working day notification and the valid One-Call ticket number. Failure to comply with these requirements shall result in immediate forfeiture of the pre-paid right-of-way permit inspection fees for the applicable right-of-way permit. Right-of-way permits deemed invalid by this section shall not become valid without re-payment of the inspection fees and notification of commencement of work as described herein.

(CAC 10.32.130; AO No. 2003-68, § 9, 9-30-03)

Section 2. Anchorage Municipal Code chapter 24.80. is amended by adding 3 new sections to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

24.80.045 **Construction Track Out, Spilled Loads and Material in a Public Place**

- 1 A. No dirt, gravel, topsoil, organic or inorganic substance or material, muck,
2 debris or similar material is allowed on, in or across any public place by
3 any method including, but not limited to, track out from a construction site
4 or property, deposit, discharge or any other means not in accordance with
5 a valid right-of-way use permit.
6
7 B. It is the full responsibility of the violator to immediately remove any such
8 material and make the public place clean and safe.
9
10 C. Failure of the violator to comply with subsection B. shall result in the
11 Municipality removing the material and charging all costs to the violator.
12 Fines for track out shall be assessed in accordance with section 14.60.030.
13 (\$1,000.00 plus all administrative and repair costs).
14

15 **24.80.065 Tracked vehicles.**
16

- 17 A. No tracked vehicle is permitted on any developed public place without a
18 valid right-of-way permit. No tracked vehicle may damage any developed
19 public place.
20
21 B. Damage mitigation may be accomplished through use of dunnage or other
22 means.
23
24 C. Any damage to the public place is the full responsibility of the violator,
25 and shall be repaired within seven days to Municipality of Anchorage
26 Standard Specifications (MASS).
27
28 D. Failure to make repairs to MASS standards or failure to make repairs
29 within seven days shall result in the Municipality making the repairs and
30 charging all costs to the violator.
31
32 E. Fines for damage may be assessed in accordance with section 14.60.030.
33 (\$1,000.00 plus all administrative and repair costs).
34
35

36 **24.80.075 Sump pumps and water.**
37

38 It is prohibited to discharge water from a sump pump or similar device into a
39 public place, or on private property in a manner allowing the discharge to drain
40 from property into a public place, except to an approved drainage system or
41 suitable outfall approved by the Right-of-Way Division or Municipal Engineer.
42 Non-directed runoff from rain or snow melt is exempt from this provision unless
43 it is from an on-property snow storage area.
44
45

46 **Section 3.** Anchorage Municipal Code section 14.60.030 is amended to read as
47 follows (*the remainder of the section is not affected and therefore not set out*):

14.60.030 Fine schedule.

The fine schedule under this chapter is as follows:

TABLE INSET:

<i>Code section</i>	<i>Offense</i>	<i>Penalty/Fine</i>
***	***	***
<u>24.30.150</u>	<u>Failure to, or Inadequate Notification of Commencement of Work</u>	<u>Forfeiture of all pre-paid right-of-way permit fees plus payment of any subsequent inspection fees</u>
***	***	***
<u>24.80.045</u>	<u>Construction Track Out, Spilled Loads and Material in a Public Place</u>	<u>\$1,000.00 plus all administrative and repair costs</u>
***	***	***
<u>24.80.065</u>	<u>No permit for tracked vehicle or damage caused by tracked vehicle</u>	<u>\$1,000.00 plus all administrative and repair costs</u>
***	***	***
<u>24.80.075</u>	<u>Sump pumps and water discharge</u>	<u>\$500.00 plus all administrative and repair costs</u>
***	***	***

(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; 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 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. 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 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. 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 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-

14.60.030 **Fine schedule.**

The fine schedule under this chapter is as follows:

TABLE INSET:

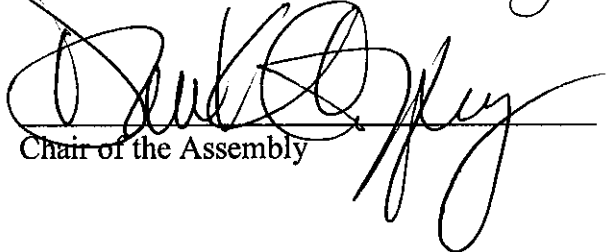
<i>Code section</i>	<i>Offense</i>	<i>Penalty/Fine</i>
***	***	***
<u>24.30.150</u>	<u>Failure to, or Inadequate Notification of Commencement of Work</u>	<u>Forfeiture of all pre-paid right-of-way permit fees plus payment of any subsequent inspection fees</u>
***	***	***
<u>24.80.045</u>	<u>Construction Track Out, Spilled Loads and Material in a Public Place</u>	<u>\$1,000.00 plus all administrative and repair costs</u>
***	***	***
<u>24.80.065</u>	<u>No permit for tracked vehicle or damage caused by tracked vehicle</u>	<u>\$1,000.00 plus all administrative and repair costs</u>
***	***	***
<u>24.80.075</u>	<u>Sump pumps and water discharge</u>	<u>\$500.00 plus all administrative and repair costs</u>
***	***	***

(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; 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 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. 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 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. 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 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-

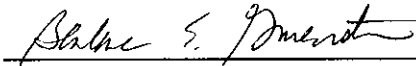
1 145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4,
2 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO
3 No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2,
4 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05;
5 AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-
6 185(S), § 35, 2-28-06)

7
8 **Section 4.** This ordinance shall take effect immediately upon passage and approval
9 by the Assembly.

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11 PASSED AND APPROVED by the Anchorage Assembly this 15th day of May,
12 2007.

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Chair of the Assembly

ATTEST:

20
21 

22 Municipal Clerk
23

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2007- 70

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 24.30, 24.80 AND 14.60 TO ESTABLISH AN ANNUAL VERTICAL BORE PERMIT, AND ESTABLISH FINES AND/OR PENALTIES TO IMPROVE EXCAVATION SAFETY FOR THE RIGHT-OF-WAY DIVISION, DEVELOPMENT SERVICES DEPARTMENT.

Sponsor:

Preparing Agency: Development Services Department

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY07	FY08	FY09	FY010	FY11	
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:

Establishing a fee to identify annual vertical bore projects. Changing the structure of the vertical bore permit would see a reduction of revenue and establishing the fine will see an increase in revenue, but the total impact of both activities is a net gain/loss of zero.

PRIVATE SECTOR ECONOMIC EFFECTS:

This action is to establish a different fee methodology than what is currently used for annual vertical bore projects and to establish fines and/or penalties to improve excavation safety.

There are no increased private sector costs attributed to this action.

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

NO. AM 280 -2007

Meeting Date: April 17, 2007

1
2 **From:** Mayor

3
4 **Subject:** AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
5 CHAPTERS 24.30, 24.80 AND 14.60 TO ESTABLISH AN ANNUAL
6 VERTICAL BORE PERMIT, AND ESTABLISH FINES AND/OR
7 PENALTIES TO IMPROVE EXCAVATION SAFETY FOR THE
8 RIGHT-OF-WAY DIVISION, DEVELOPMENT SERVICES
9 DEPARTMENT.

10
11 Currently vertical boring is permitted in Municipal rights-of-way by a right-of-way
12 permit that includes fees and charges that, as structured, are not scaleable to the project.
13 The Right-of-Way Division identified the need for an annual vertical bore permit which
14 reduces costs to the industry without increasing costs to the Municipality of Anchorage or
15 the taxpayers.

16
17 The "definitions" section of Anchorage Municipal Code Title 24 does not provide a
18 definition of a "violation". As written, the title must be read in its entirety and in many
19 cases the definition is inferred, rather than stated. This amendment establishes a clear
20 definition of a "violation" as it relates to right-of-way issues.

21
22 Damage to utilities by construction methods is a deadly serious and critical issue. Serious
23 injuries, loss of life and interruption to critical infrastructure such as telephone, fiber
24 optic, gas and electric can and do occur. Alaska State Law requires contractors call not
25 more than 15 days, or less than 2 days before beginning construction. Cumulatively,
26 utility companies, municipal utilities and street maintenance departments spend millions
27 of dollars each year in repairs and workman compensation related issues. This is a
28 needless loss of quality of life and expense that can be corrected. This amendment closes
29 that gap by requiring a One-Call ticket number to be provided during the required
30 notification of commencement of work, and before the right-of-way permit is valid. It
31 also provides penalties for violation of those requirements.

32
33 Our infrastructure, streets and roads, ("public places") are the Municipality of
34 Anchorage's largest asset. At the latest assessment the value was approximately \$10
35 billion dollars, mostly built and maintained by tax dollars. Construction track out, spilled
36 loads, tracked vehicles and discharge of water on to road services seriously degrade or
37 destroy the road surface prematurely, creating unforeseen repair costs to taxpayers and
38 safety hazards to the traveling public. This amendment prohibits track out and tracked

1 vehicle use on road surfaces, requires water and sump pump discharges in approved
2 drainage systems or suitable outfalls, and provides penalties for noncompliance.

3
4 Finally, Anchorage Municipal Code Title 14.60.030, Fine Schedule, is amended to
5 provide penalties for violation of the above referenced amendments.

6
7 THE ADMINISTRATION RECOMMENDS APPROVAL OF THE ORDINANCE
8 AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 24.30, 24.80 AND
9 14.60 TO ESTABLISH FINES AND/OR PENALTIES TO IMPROVE EXCAVATION
10 SAFETY FOR THE RIGHT-OF-WAY DIVISION, DEVELOPMENT SERVICES
11 DEPARTMENT.

12
13 Prepared by: Jack Frost, Deputy Director, Development Services Department
14 Concur: Ron Thompson, Director, Development Services Department
15 Concur: Denis LeBlanc, Municipal Manager
16 Respectfully Submitted: Mark Begich, Mayor

Content Information**Content ID :** 004665**Type:** Ordinance - AOAN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
CHAPTERS 24.30, 24.80 AND 14.60 TO ESTABLISH AN ANNUAL**Title:** VERTICAL BORE PERMIT, ESTABLISH OR INCREASE FINES AND/OR
PENALTIES IN AN EFFORT TO IMPROVE COST RECOVERY, AND
REDUCE OR ELIMINATE TAXPAYER SUBSIDY FOR RI**Author:** maglaquijp**Initiating**
Dept: Dev_Svs**Date**
Prepared: 12/20/06 11:57 AM**Assembly**
Meeting 4/17/07**Date:****Public**
Hearing 5/1/07**Date:**2007 APR 10 AM 8:16
M.D.A.
CLERK'S OFFICE**Workflow History**

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	12/20/06 11:58 AM	Checkin	gonzalezv	Public	004665
Dev_Svs_SubWorkflow	12/28/06 8:02 AM	Approve	thompsonrj	Public	004665
AllOrdinanceWorkflow	12/29/06 9:27 AM	Reject	mitsonjl	Public	004665
AllOrdinanceWorkflow	2/7/07 9:14 AM	Checkin	gonzalezv	Public	004665
Dev_Svs_SubWorkflow	2/13/07 9:58 AM	Approve	thompsonrj	Public	004665
AllOrdinanceWorkflow	2/16/07 2:52 PM	Reject	mitsonjl	Public	004665
AllOrdinanceWorkflow	3/15/07 1:27 PM	Checkin	gonzalezv	Public	004665
Dev_Svs_SubWorkflow	4/2/07 2:22 PM	Approve	thompsonrj	Public	004665
OMB_SubWorkflow	4/6/07 7:46 AM	Approve	mitsonjl	Public	004665
Legal_SubWorkflow	4/6/07 12:11 PM	Approve	gatesdt	Public	004665
MuniManager_SubWorkflow	4/6/07 12:29 PM	Checkin	maglaquijp	Public	004665
MuniManager_SubWorkflow	4/6/07 12:57 PM	Checkin	maglaquijp	Public	004665
MuniManager_SubWorkflow	4/6/07 12:59 PM	Checkin	maglaquijp	Public	004665
MuniManager_SubWorkflow	4/6/07 1:07 PM	Approve	leblancdc	Public	004665
MuniMgrCoord_SubWorkflow	4/6/07 2:10 PM	Approve	abbottmk	Public	004665

CONSENT AGENDA - INTRODUCTION