

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by Transportation Inspection  
For reading: June 14, 2011

CLERK'S OFFICE

**APPROVED**

Date: 6-28-11

ANCHORAGE, ALASKA  
AO No. 2011-72

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION  
11.10.100 TO PROVIDE A PROCESS FOR THE TRANSPORTATION  
COMMISSION TO CONSIDER LATE-FILED APPEAL REQUESTS.**

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code section 11.10.100 is hereby amended to  
read as follows (*the remainder of the section is not affected, and therefore not set  
out*):

**11.10.100 Hearings--Appeals.**


\*\*\* \*\*

F. A permittee, a chauffeur or a dispatch service who seeks to appeal a  
civil citation, penalty, denial or revocation after the appeal filing  
period set out in subsections C and E of this section has closed shall  
file a letter with the Transportation Inspector within 30 days from the  
date of the close of the applicable appeal period stating the reasons  
why he or she did not appeal within the applicable period. The  
Transportation Commission shall consider each letter. The  
Transportation Commission shall only consider reasons the appellant  
did not comply within the applicable appeal period and shall not  
consider evidence regarding the matter under appeal. The  
Transportation Commission's determination shall be based on the  
letter and supporting documents. An appellant must demonstrate to  
the Transportation Commission compelling reasons or  
circumstances which would prevent a reasonable person under the  
circumstances from filing a timely appeal. If the request is granted,  
the appellant shall file a notice of appeal with the Transportation  
Inspector in accordance with subsection E of this section. If the  
request is denied, the Transportation Inspector shall notify the  
appellant of the Transportation Commission's decision.

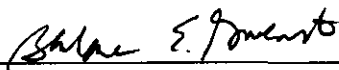
(AO No. 57-75; AO No. 78-177; AO No. 79-58; AO No. 80-19(S); AO No.  
81-149; AO No. 84-18; AO No. 85-87; AO No. 87-126(S); AO No. 88-21;  
AO No. 93-220, § 5, 2-22-94; AO No. 98-51(S), § 1, 5-4-99)

1 **Section 2.** This ordinance shall be effective immediately upon passage and  
2 approval.

3  
4 PASSED AND APPROVED by the Anchorage Assembly this 28<sup>th</sup> day of  
5 June, 2011.

6  
7   
8 \_\_\_\_\_  
9 Chair

10  
11 ATTEST:

12  
13   
14 \_\_\_\_\_  
15 Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2011-72

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 11.10.100  
 TO PROVIDE A PROCESS FOR THE TRANSPORTATION COMMISSION TO  
 CONSIDER LATE-FILED APPEAL REQUESTS

Sponsor: Mayor  
 Preparing Agency: Transportation Inspection  
 Others Impacted: None

CHANGES IN EXPENDITURES AND REVENUES:			(In Thousands of Dollars)		
	FY11	FY12	FY13	FY14	FY15
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	0	0	0	0	0

**PUBLIC SECTOR ECONOMIC EFFECTS:**

No economic effect upon the public sector is anticipated.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

No measurable private sector economic effect is anticipated.

Prepared by: Brent G. Fraser, Transportation Inspector

Telephone: 786-8525



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 352-2011

Meeting Date: June 14, 2011

1 **From: MAYOR**

2 **Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE**  
3 **SECTION 11.10.100 TO PROVIDE A PROCESS FOR THE**  
4 **TRANSPORTATION COMMISSION TO CONSIDER LATE-FILED**  
5 **APPEAL REQUESTS.**

6  
7 The purpose of this memorandum is to request Assembly approval of a revision to  
8 Anchorage Municipal Code section 11.10.100 to provide a means whereby the  
9 Transportation Commission may accept a late-filed request for appeal hearing upon  
10 a showing of good cause.

11  
12 A permittee, a chauffeur or a dispatch service who has been issued a civil citation or  
13 a person aggrieved by the denial or revocation of a chauffeur's license by the  
14 Transportation Inspector may contest that action by filing a notice of appeal with the  
15 Transportation Inspector. Municipal Code currently stipulates the appeal shall be  
16 made no later than fifteen (15) days after the day the citation, penalty, denial, or  
17 revocation has been issued, or, in the case of imposition of a penalty against a  
18 permittee under Section 11.10.110.B, no later than seven (7) days after notice of a  
19 penalty is personally served upon or mailed to the permittee. In 3AN-09-8829CI the  
20 Superior Court of Alaska found that the Municipality must have and provide a  
21 procedure for appellants to make a claim that the Transportation Commission  
22 should accept a late-filed appeal for good cause shown.

23  
24 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE TO**  
25 **PROVIDE A PROCESS FOR THE TRANSPORTATION COMMISSION TO**  
26 **CONSIDER LATE-FILED APPEAL REQUESTS.**

27  
28 Prepared by: Transportation Inspection  
29 Approved by: Brent Fraser, Transportation Inspector  
30 Concur: Dennis A. Wheeler, Municipal Attorney  
31 Concur: George J. Vakalis, Municipal Manager  
32 Respectfully submitted: Daniel A. Sullivan, Mayor