

Submitted by: ASSEMBLY MEMBER TRAINI  
Assembly Member Gray-Jackson  
Assembly Member Honeman  
Prepared by: Assembly Counsel  
For reading: December 6, 2011

NOT INTRODUCED 12/6/11

ANCHORAGE, ALASKA  
AO NO. 2011-126

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY TO PROCEDURALLY  
2 REPEAL FOR GOOD CAUSE RETROACTIVELY TO NOVEMBER 22, 2011, AO 2011-112:  
3 THE ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 8 TO ADD NEW  
4 OFFENSES FOR SITTING OR LYING DOWN ON SIDEWALKS IN THE DOWNTOWN  
5 IMPROVEMENT DISTRICT AND FOR PEDESTRIAN INTERFERENCE, AMENDING  
6 SECTION 8.75.170 REGARDING PROHIBITED PANHANDLING, AND AMENDING THE  
7 FINE SCHEDULE AT SECTION 14.60.030 ACCORDINGLY.

---

8  
9 WHEREAS, corrections to information relied on by the Assembly prior to voting on  
10 AO 2011-112 have been received from the Municipal Attorney; and

11  
12 WHEREAS, it is important to protect the integrity of the legislative process; when  
13 substantive corrections are unavailable until after the time for reconsideration by the  
14 Assembly has expired, repeal is the only curative tool available; and

15  
16 WHEREAS, repeal of AO 2011-112 retroactively to November 22, 2011, will not  
17 foreclose future consideration by the Assembly, under the corrected information; now,  
18 therefore,

19  
20 THE ANCHORAGE ASSEMBLY ORDAINS:

21  
22 **Section 1.** Assembly Ordinance No. 2011-112, passed and approved by the Assembly on  
23 November 22, 2011 as attached, is repealed in its entirety.

24  
25 **Section 2.** Pursuant to AMC 1.05.030, this ordinance shall operate to reinstate code  
26 provisions prior to amendment by AO 2011-112, and delete new municipal code added by  
27 AO 2011-112.

28  
29 **Section 3.** Other provisions of municipal code notwithstanding, this ordinance shall be  
30 retroactive to November 22, 2011, upon passage and approval by the Assembly.

31  
32 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of  
33 \_\_\_\_\_, 20\_\_\_\_.

34  
35 \_\_\_\_\_  
36 Chair

37 ATTEST:

38  
39 \_\_\_\_\_  
40 Municipal Clerk



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 718-2011

Meeting Date: December 6, 2011

1 From: ASSEMBLY MEMBER Traini  
2 Subject: AO 2011-126 — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL  
3 ASSEMBLY TO PROCEDURALLY REPEAL FOR GOOD CAUSE AO 2011-112, THE  
4 ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 8 TO ADD NEW  
5 OFFENSES FOR SITTING OR LYING DOWN ON SIDEWALKS IN THE DOWNTOWN  
6 IMPROVEMENT DISTRICT AND FOR PEDESTRIAN INTERFERENCE, AMENDING SECTION  
7 8.75.170 REGARDING PROHIBITED PANHANDLING, AND AMENDING THE FINE  
8 SCHEDULE AT SECTION 14.60.030 ACCORDINGLY.

---

9  
10 The vote taken on the Mayor's Sidewalk Ordinance, AO 2011-112 was taken in reliance on  
11 specific information requested from the Municipal Attorney, as set out in the excerpt  
12 transcribed and attached for ease of reference.

13  
14 The intent of this ordinance is to reverse action taken by the Assembly on November 22,  
15 2011 to pass and approve AO 2011-112, in light of corrections in that information from the  
16 Municipal Attorney, received by the Municipal Clerk on November 29, 2011, after the vote  
17 was taken and the time for notice of reconsideration by the Assembly had expired.

18  
19 As noted in e-mail communication from the Municipal Attorney dated Tuesday, November 29,  
20 2011, included as Attachment 1, the information provided by the Municipal Attorney at the  
21 Assembly Meeting on November 22, 2011, immediately prior to the vote on the ordinance,  
22 was not accurate and the choice of words was misleading.

23  
24 As Assembly Members, we often place legal counsel "on the spot" and it speaks to good  
25 character when the misstatements and/or misinformation are corrected. This repeal will not  
26 foreclose future consideration by the Assembly. Repeal will simply allow for a "reset" of the  
27 matter, and ensure that the integrity of Assembly action on an important ordinance is not  
28 clouded by misinformation from the Municipal Attorney's Office, corrected later in good faith.

29  
30 The opportunity for "restart" by this repeal will provide a better precedent than allowing the  
31 record to stand. Action on important legislation should be taken with appropriate sequencing  
32 in the receipt of information relevant to the vote. Despite the long lead time, this action was  
33 taken under the "Ready, Fire, Aim!" sequencing -- Good management and the integrity of  
34 legislative practice dictate a "reset".

35  
36 Repeal is the appropriate procedural tool. Rescission under 2.30.080.H. is not available  
37 because action adopting an ordinance may not be rescinded after the effective date of the  
38 ordinance. As noted above, corrections from the Municipal Attorney were not timely enough  
39 to use notice of reconsideration by the Assembly as a curative tool.

40  
41 Respectfully submitted:  
42 Dick Traini  
43 Assembly Member, Section 4

**From:** Gruenstein, Barbara E.  
**Sent:** Tuesday, November 29, 2011 10:40 AM  
**To:** !MAS Assembly Members  
**Subject:** FW: Safe Sidewalk ordinance - contact with the ACLU  
**Importance:** High

---

**From:** Wheeler, Dennis A.  
**Sent:** Tuesday, November 29, 2011 10:39 AM  
**To:** Gruenstein, Barbara E.  
**Cc:** Sullivan, Dan; Erkmann, Sarah A.; Vakalis, George J.; Tucker, Julia  
**Subject:** Safe Sidewalk ordinance - contact with the ACLU

Barbara – please distribute to the Assembly. Thanks

Assembly members – at the last Assembly meeting, in an exchange with Assembly member Traini, I said the safe sidewalk ordinance had been “run by” the ACLU and the ACLU had no objections. This was a poor choice of words. I knew the ACLU had been reviewing the original ordinance since its introduction in July. I believed the ACLU was also aware of the revised version. I also thought at least one assembly member had told me they had shared the ordinance with the ACLU.

In any event, my office did not directly send a copy of the ordinance to the ACLU. My poor choice of words would certainly give the impression that my office had sent the ordinance directly to the ACLU.

It is true the ACLU did not send us any comments, as they have in the past on other ordinances. It also appears the ACLU did not speak to either version of the ordinance during the public hearings.

I understand from recent news stories that the ACLU is concerned about the ordinance. It has been suggested the concern has to do with the hours specified in the ordinance, but I do not know the specifics.

Regular Meeting 11/22/2011:

Item 14.I.

Assembly Member TRAINI: Dennis, since this will end up probably in the court system if it is approved, the ACLU takes this to court, is this defensible in your point of view?

Municipal Attorney WHEELER: Mr. Traini, this ordinance was run by the ACLU.

Assembly Member TRAINI: Did they have any problems with it?

Municipal Attorney WHEELER: They did not have any problems with it. And, that's primarily because we drafted it after a law that was already challenged in court.

Assembly Member TRAINI: Because I'm wondering why ACLU is not here. Normally when something like this comes forward, if they have a problem, they are here to testify. So, I appreciate that. Thank you.

ANCHORAGE, ALASKA  
AO No. 2011-112

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 8 TO ADD  
2 NEW OFFENSES FOR SITTING OR LYING DOWN ON SIDEWALKS IN THE  
3 DOWNTOWN IMPROVEMENT DISTRICT AND FOR PEDESTRIAN  
4 INTERFERENCE, AMENDING SECTION 8.75.170 REGARDING PROHIBITED  
5 PANHANDLING, AND AMENDING THE FINE SCHEDULE AT SECTION 14.60.030  
6 ACCORDINGLY.

7  
8 THE ANCHORAGE ASSEMBLY ORDAINS:  
9

10 **Section 1.** Anchorage Municipal Code is amended by adding a new section  
11 8.75.180 to read as follows:  
12

13 **8.75.180** **Sitting or lying down on public sidewalks in downtown**  
14 **improvement district.**  
15

16 A. *Prohibition.* No person shall sit or lie down upon a public sidewalk, or  
17 upon a blanket, chair, stool, or any other object placed upon a public  
18 sidewalk, in the Downtown Improvement District, defined as the area  
19 bounded by 1<sup>st</sup> Avenue on the North, Gambell Street on the East, 9<sup>th</sup>  
20 Avenue on the South, and L Street on the West, during the hours  
21 between

- 22 1. 6:00 a.m. and 11:59 p.m. on Monday, Tuesday, Wednesday or  
23 Thursday; or  
24 2. 6:00 a.m. Friday through 2:30 a.m. Saturday; or  
25 3. 6:00 a.m. Saturday through 2:30 a.m. Sunday.  
26

27 B. *Exceptions.* The prohibition in subsection A shall not apply to any  
28 person:

- 29 1. Sitting or lying down on a public sidewalk due to a medical  
30 emergency;  
31 2. Who, as the result of a disability, utilizes a wheelchair, walker, or  
32 similar device to move about;  
33 3. Operating or patronizing a commercial establishment conducted  
34 on the public sidewalk pursuant to a sidewalk encroachment  
35 permit under section 24.30.020; or a person participating in or  
36 attending a parade, festival, performance, race, rally,  
37 demonstration, meeting, or similar event conducted on the  
38 public sidewalk pursuant to a right-of-way special activity permit  
39 under regulation section 9.14.004 or a parade permit under  
40 regulation chapter 9.36.;  
41 4. Sitting on a chair or bench located on the public sidewalk which

is supplied by a public agency or by the abutting private property owner;

- 5. Sitting on a public sidewalk within a passenger loading zone while waiting for public or private transportation; or
- 6. Waiting in line to purchase, receive or deliver an item or gain access to an adjacent property, such as waiting to purchase an item from a street vendor, or tickets at a ticket window, or waiting for an establishment to open to receive or deliver goods or services, so long as the person is as far from the traveled roadway as practicable.

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by section 8.30.125, pedestrian interference, or any conduct otherwise prohibited by this code.

- C. No person shall be charged under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.
- D. Violation of this section shall be punished by a fine of not more than \$100.00.
- E. As an alternative to the remedies, procedures and penalties provided in this Title and Section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with Chapter 14.60.

**Section 2.** Anchorage Municipal Code is amended by adding a new section 8.30.125 to read as follows:

**8.30.125     Pedestrian interference.**

A. The following definitions apply in this section:

- 1. "Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle which such other person or vehicle has a right to make, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional rights, and acts authorized pursuant to a sidewalk encroachment permit under section 24.30.020, a right-of-way special activity permit under regulation section 9.14.004, or a parade permit under regulation chapter 9.36. shall not constitute obstruction of pedestrian or vehicular traffic.
- 2. "Public place" means a place to which the public or a substantial

group of persons has access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, convention centers, sports arenas, schools, plazas, parks, and playgrounds.

- B. It is unlawful for any person to, in a public place, intentionally and substantially obstruct pedestrian or vehicular traffic.
- C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than 90 days, or both such fine and imprisonment.

**Section 3.** Anchorage Municipal Code section 8.75.170 is hereby amended to read as follows *(the remainder of the section is not affected and therefore not set out)*:

**8.75.170 Prohibited panhandling.**

\*\*\*                      \*\*\*                      \*\*\*

- B. It is [SHALL BE] unlawful to engage in an act of panhandling:
  - 1. After sunset and before sunrise.
  - 2. W[w]hen either the panhandler or the person being solicited is located at any of the following locations:
    - a. at a bus stop;
    - b. in any public transportation vehicle or public transportation facility;
    - c. in a vehicle which is parked or stopped on a public street or alley;
    - d. in a sidewalk café; or
    - e. within 20 feet in any direction from an automatic teller machine or entrance to a bank.
  - 3. In the Downtown Improvement District, defined as the area bounded by 1<sup>st</sup> Avenue on the North, Gambell Street on the East, 9<sup>th</sup> Avenue on the South, and L Street on the West.

C. It shall be unlawful to engage in an act of panhandling in an aggressive manner as set forth in 1--6 of this subsection:

\*\*\*                      \*\*\*                      \*\*\*

D. *Penalty.* A fine of no more than \$300.00 shall be imposed for any act of panhandling prohibited by [THIS] subsection B. Violations of subsection C. shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than 90 days, or both such fine and imprisonment. [FIRST OFFENSE UPON CONVICTION SHALL BE NO LESS THAN \$50.00 OR EIGHT HOURS OF COMMUNITY SERVICE; SECOND OFFENSE UPON CONVICTION SHALL BE NO LESS THAN \$100.00 OR 16 HOURS OF COMMUNITY SERVICE; AND THIRD OFFENSE UPON CONVICTION SHALL BE NO LESS THAN \$300.00 OR]

1. As an alternative to the remedies, procedures and penalties provided in this section and section 1.45.010, a violation of subsection B. may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60. This alternative is not available for violations of subsection C.
2. A defendant may offset fines imposed for a violation of subsection B. by voluntary participation in an approved community service program, alcohol, drug or other appropriate rehabilitation program, or job training program, if any such programs are available.
3. A court imposing fines for a violation of subsection C. may order the defendant to complete an approved community service program; alcohol, drug or other appropriate rehabilitation program; or job training program, if any such programs are available.
4. For each hour of community service completed, the court or administrative hearing officer shall offset the fine by an amount equal to the current minimum wage required by the Alaska Wage and Hour Act, AS 23.10.
5. Upon presenting proof of completion of an alcohol, drug, or other appropriate rehabilitation program to the court or administrative hearing officer, [A]ny fees paid toward rehabilitation treatment shall [MAY] offset any fines imposed [PAID FOR FIRST OR SUBSEQUENT OFFENSES].

(AO No. 2004-109, § 1, 8-17-04)

**Section 4.** Anchorage Municipal Code section 14.60.030 is amended to read as 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:

<u>Code Section</u>	<u>Offense</u>	<u>Penalty/Fine</u>
***	***	***
<u>8.75.170B.</u>	<u>Prohibited panhandling</u>	<u>up to 300.00</u>
<u>8.75.180</u>	<u>Sitting/lying down on sidewalks in Downtown Improvement District</u>	<u>up to 100.00</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-



1 163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2,  
 2 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96;  
 3 AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107,  
 4 § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2,  
 5 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No.  
 6 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-  
 7 116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-  
 8 129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S),  
 9 § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-  
 10 11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO  
 11 No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-  
 12 152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-  
 13 22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05;  
 14 AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No.  
 15 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO  
 16 No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80,  
 17 § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07;  
 18 AO No. 2007-70, § 3, 5-15-07; AO No. 2008-84(S), § 5, 7-15-08; AO No.  
 19 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-09; AO No. 2009-40(S), §  
 20 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO No. 2009-122, § 2, 12-17-  
 21 09; AO-2010-35(S), § 4, 5-11-10; AO No. 2010-39, § 2, 5-11-10; AO No.  
 22 2010-87(S), § 3, 12-7-10; AO No. 2011-46, § 4, 4-12-11; AO No. 2011-59,  
 23 § 10, 5-24-11)

24  
 25 **Section 5.** This ordinance shall become effective thirty (30) days after passage  
 26 and approval by the Anchorage Assembly.  
 27

28 PASSED AND APPROVED by the Anchorage Assembly this 22<sup>nd</sup> day of  
 29 November, 2011.  
 30

31  
 32  
 33 \_\_\_\_\_  
 Chair of the Assembly

34 ATTEST:

35  
 36 *Andrea S. Givens*  
 37 \_\_\_\_\_  
 38 Municipal Clerk

# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 618-2011

Meeting Date: November 8, 2011

1 **From: MAYOR**

2  
3 **Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE**  
4 **TITLE 8 TO ADD NEW OFFENSES FOR SITTING OR LYING**  
5 **DOWN ON SIDEWALKS IN THE DOWNTOWN IMPROVEMENT**  
6 **DISTRICT AND FOR PEDESTRIAN INTERFERENCE, AMENDING**  
7 **SECTION 8.75.170 REGARDING PROHIBITED PANHANDLING,**  
8 **AND AMENDING THE FINE SCHEDULE AT SECTION 14.60.030**  
9 **ACCORDINGLY.**

10  
11 This ordinance is part of a continuum of methods and tools needed to protect the  
12 public. While this ordinance may discourage the use of sidewalks and other public  
13 places for sleeping and panhandling that can be associated with homelessness, it  
14 was not created in a vacuum. This administration has spearheaded initiatives to  
15 address homelessness and expand the community's ability to serve our most  
16 vulnerable citizens with care and compassion in a practical and effective approach.  
17 In conjunction with this effort, the administration has also implemented measures to  
18 police and clean up parks, open spaces and other municipal properties to reduce  
19 crime and hazardous conditions associated with illegal camping. The administration  
20 seeks to protect the vulnerable from heinous crimes, but also protect the purposes  
21 of municipal property, and the safety of people using municipal property.  
22

23 The ordinance complements the opening of Karluk Manor, Anchorage's first  
24 "Housing First" project enabled by AO 2010-3 allowing this type of conditional use,  
25 and the implementation of the Cold Weather Plan for Homeless Persons enacted by  
26 AO 2010-46. The administration has recognized a primary solution for the city's  
27 homeless population is a greater supply of truly affordable housing and shelter  
28 capacity. This ordinance is intended to enable law enforcement officers to  
29 discourage misuse of public spaces, especially when available alternatives exist. At  
30 the same time, the homeless population may discover the increasing services  
31 available to them whether they need employment, housing or addiction services.  
32 Groups such as RuralCap, NeighborWorks, the Salvation Army, Volunteers of  
33 America and others have received millions of dollars in grants the municipality  
34 directed to them and offer compassionate and safe alternatives to illegal camping in  
35 parks or on sidewalks, panhandling and other activities that are, to a certain degree,  
36 detrimental to the public health, safety and welfare.  
37

38 This ordinance furthers the Municipality's significant government interests in  
39 providing free, safe passage and use for all citizens and visitors using our downtown  
40 sidewalks, city intersections, and other public spaces. It is important to protect the  
41 aesthetics and significant economic vitality of the downtown central business  
42 district, a hub of the state's valuable tourism industry. The ordinance does not  
43 unduly impede an individual's right to exercise First Amendment rights.

1  
2 Section 1 adds a new offense prohibiting sitting or lying down on public sidewalks in  
3 the Downtown Improvement District during hours when downtown is typically active  
4 with vehicle and pedestrian traffic. It exempts reasonable justifications such as a  
5 medical condition, disability, or under permits for sidewalk encroachments or special  
6 events, or when waiting in a passenger loading zone, such as a bus stop. Before a  
7 person can be cited for a violation, they must continue their conduct after receiving  
8 a warning that they are violating this new section. This section is modeled on laws  
9 from other jurisdictions which have withstood legal challenges.

10  
11 Section 2 of the ordinance adds a new offense, pedestrian interference, penalized  
12 as a misdemeanor. Pedestrian interference addresses situations where a person  
13 intentionally blocks or impedes the travel of others in a substantial way; the  
14 language is modeled after an ordinance in the Seattle Municipal Code which was  
15 upheld in court. Adoption of this offense provides another tool for protecting the  
16 public convenience and safety in our increasingly urban city, without unduly  
17 burdening those who seek to peaceably exercise their First Amendment rights.

18  
19 Section 3 amends the existing panhandling ordinance to add prohibitions on  
20 panhandling at nighttime and at anytime within the Downtown Improvement District.  
21 It is also restructured to make it easier for peace officers to identify and cite the  
22 specific conduct prohibited, revises the penalties section so a civil fine can be  
23 imposed in lieu of a criminal citation, and is amenable to disposition by the  
24 administrative hearing officer. Aggressive panhandling, as a more serious offense  
25 involving victimization through fear and intimidation tactics, is reclassified to the  
26 misdemeanor level.

27  
28 This ordinance does not require any increased expenditure, and any revenues are  
29 anticipated to be minimal, thus a summary of economic effects is not required.

30  
31 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**  
32 **AMENDING ANCHORAGE MUNICIPAL CODE TITLE 8 TO ADD NEW**  
33 **OFFENSES FOR SITTING OR LYING DOWN ON SIDEWALKS IN THE**  
34 **DOWNTOWN IMPROVEMENT DISTRICT AND FOR PEDESTRIAN**  
35 **INTERFERENCE, AMENDING SECTION 8.75.170 REGARDING PROHIBITED**  
36 **PANHANDLING, AND AMENDING THE FINE SCHEDULE AT SECTION 14.60.030**  
37 **ACCORDINGLY.**

38  
39 Prepared by: Dean T. Gates, Asst. Municipal Attorney  
40 Approved by: Dennis A. Wheeler, Municipal Attorney  
41 Concur: George J. Vakalis, Municipal Manager  
42 Respectfully submitted: Daniel A. Sullivan, Mayor  
43