

Submitted by: ASSEMBLY MEMBER SHAMBERG  
ASSEMBLY MEMBER Tesche  
Prepared by: Assembly Member Tesche  
For reading: March 27, 2007

**ANCHORAGE, ALASKA  
AO NO. 2007-60**

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY ENACTING A  
2 NEW SECTION OF THE ANCHORAGE MUNICIPAL CODE 9.48.080(B) MAKING IT  
3 UNLAWFUL FOR ANY PERSON TO OPERATE A MOTOR VEHICLE IF THAT  
4 PERSON HAS ACCUMULATED THREE OR MORE DELINQUENT TRAFFIC FINES  
5 TOTALING MORE THAN \$1,000; PROVIDING FOR FORFEITURE AND  
6 IMPOUNDMENT OF VEHICLES DRIVEN IN VIOLATION OF THAT SUBSECTION;  
7 AMENDING SECTIONS 9.28.026 AND 9.28.027; AND PROVIDING FOR AN  
8 EFFECTIVE DATE.  
9

10 WHEREAS, there are approximately one thousand (1,000) residents of Anchorage who  
11 owe more than \$1,000 in fines for moving violations of municipal traffic laws; and  
12

13 WHEREAS, the Assembly finds that there is a direct correlation between the failure of  
14 an offender to pay multiple traffic fines for moving violations and the commission by that  
15 same offender of additional moving violations that endanger public safety and cause  
16 major accidents resulting in harm to innocent people; and  
17

18 WHEREAS, the Assembly finds that the incidence of traffic offenses causing injury of  
19 innocent victims will be diminished by (1) making it a misdemeanor for a driver to  
20 operate a motor vehicle when the driver owes more than \$1,000 in fines for moving  
21 violations of municipal traffic laws, and (2) authorizing the impoundment and forfeiture of  
22 a vehicle operated by a person who commits that misdemeanor;  
23

24 NOW THEREFORE, THE ANCHORAGE ASSEMBLY ORDAINS:  
25

26 **Section 1.** Anchorage Municipal Code Section 9.48.080, Traffic citations--Failure to  
27 Obey, is hereby amended to read as follows:  
28

29 **9.48.080 Traffic citations--Failure to obey.**  
30

31 A. It is unlawful for any person to violate a [HIS] written promise, to either  
32 appear in court, submit payment for or correct an alleged violation within the time  
33 allowed, given to an officer upon the issuance of a traffic citation, regardless of  
34 the disposition of the charge for which such citation was originally issued. A  
35 violation under this section may be resolved through the administrative hearing  
36 procedures in Title 14 applying the scheduled penalty set forth in Section  
37 14.60.030 or through the courts applying the scheduled penalty set forth in

1 Section 9.48.130. It shall be a defense to an accusation of a violation of this  
2 section that the alleged violator did not execute a written promise.

3  
4 B. Notwithstanding subsection A, no person may operate, drive, or remain in  
5 physical control of a motor vehicle on a public street if they have accumulated  
6 three or more delinquent traffic fines, the total of which is equal to or greater than  
7 \$1,000 for moving violations committed within the municipality. A person who  
8 violates this subsection is guilty of a misdemeanor. A motor vehicle operated,  
9 driven by or in the physical control of an individual in violation of this section shall  
10 be subject to impoundment and forfeiture under Section 9.28.026 of this Code.  
11 Civil impoundment under this subsection through a seizure need not be incident  
12 to an arrest by a police officer.

13  
14 (CAC 9.48.080; AO No. 78-72; AO No. 93-167(S-1), § 8, 4-13-94)

15  
16 State Law Reference—Municipal impoundment and forfeiture, AS 28.01.015(a) (5)  
17

18 **Section 2.** Anchorage Municipal Code Section 9.28.026, Impoundment and Forfeiture  
19 of Vehicle, is hereby amended to read as follows: (*certain subsections not amended are*  
20 *set out for context*)

21  
22 **9.28.026 Impoundment and forfeiture of vehicle.**

23  
24 A. *Mandatory impound; discretionary impound.*

25  
26 1. A motor vehicle that is operated, driven or in the actual physical  
27 control of an individual arrested for or charged with an alleged violation of  
28 Section 9.28.019, pertaining to driving while license  
29 suspended/revoked/cancelled, Section 9.28.020, pertaining to driving  
30 while under the influence, an alleged violation of Section 9.28.022,  
31 pertaining to refusal to submit to chemical tests, subsection 9.48.080B  
32 pertaining to operation of a motor vehicle on a public street with three or  
33 more delinquent traffic fines greater than \$1,000, or Section 8.65.030,  
34 pertaining to soliciting, may be impounded and may be forfeited to the  
35 municipality in accordance with this section.  
36 \*\*\* \*\*

37 B. It shall be presumed that a vehicle operated by or driven by or in the actual  
38 physical control of an individual arrested for or charged with an alleged violation  
39 of Section 9.28.030, Section 9.28.019, Section 9.28.020, Section 9.28.022,  
40 subsection 9.48.080B, or Section 8.65.030, has been so operated by the  
41 registered owners thereof or has been operated by another person with the  
42 knowledge and consent of the registered owners. A vehicle so operated is

1 declared to be a public nuisance for which the registered owners hold legal  
2 responsibility subject only to the defenses as set forth by law. The purposes of  
3 this section and the impoundment and forfeiture provisions of Sections 9.28.019,  
4 9.28.020, 9.28.022, 9.28.030, subsection 9.48.080B, and 8.65.030 include  
5 protecting the public, removing public nuisances, deterring driving under the  
6 influence, and protecting the public from uninsured motorists, but do not include  
7 the generation of revenue for the municipality.  
8

9 C. *General provisions.*

10  
11 1. In the case of an alleged violation of Section 9.28.019, 9.28.020,  
12 9.28.022, subSection 9.28.030B., subsection 9.48.080B, or Section  
13 8.65.030, and in addition to the penalties set forth in those sections, the  
14 vehicle used in the alleged violation shall be impounded for 30 days if the  
15 person driving, operating, or in the actual physical control of the vehicle  
16 has not been previously convicted and shall be forfeited to the municipality  
17 if the person driving, operating, or in the actual physical control of the  
18 vehicle has been previously convicted. Impoundment may be  
19 accomplished through a seizure of the vehicle incident to an arrest or  
20 pursuant to a court order entered in the course of civil or criminal  
21 enforcement proceedings. Impoundment through a seizure of the vehicle  
22 incident to an arrest is at the discretion of the arresting officer.  
23

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24 3. Upon the request of the municipality or a claimant, a civil proceeding  
25 seeking impoundment or forfeiture shall be held in abeyance until  
26 conclusion of any pending criminal charges arising out of the incident  
27 giving rise to the forfeiture or impoundment action under Section 9.28.019,  
28 9.28.020, 9.28.022, 9.28.030, subsection 9.48.080B, or 8.65.030.  
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30  
31 6. A claimant of an ownership or security interest in the motor vehicle  
32 may avoid impound or avoid forfeiture of the claimant's interest in the civil  
33 action if the claimant establishes, by a preponderance of the evidence:  
34

35 a. The claimant has an interest in the motor vehicle at the time of  
36 the alleged violation or, if acquired after the alleged violation, the  
37 interest was acquired in good faith and not for purposes of avoiding  
38 impound or forfeiture;  
39

40 b. A person other than the claimant was in possession of the  
41 vehicle and was responsible for or caused the act which resulted in  
42 the impound or forfeiture;

1  
2 c. The claimant did not know and could not reasonably have  
3 known the person would operate the vehicle in violation of Section  
4 9.28.019, 9.28.020, 9.28.022, 9.28.030, subsection 9.48.080B, or  
5 8.65.030; and  
6

7 d. In cases where the municipality filed a civil action to forfeit a  
8 seized vehicle, the claimant took reasonable steps to prevent, as  
9 the phrase is defined in subsection F. below, the person charged  
10 with violating Section 9.28.019, 9.28.020, 9.28.022, 9.28.030, or  
11 8.65.030 from violating Section 9.28.019, 9.28.020, 9.28.022,  
12 9.28.030, subsection 9.48.080B, or 8.65.030.  
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15 g. Also for purposes of this section, when the claimant and driver  
16 are not the same person and the claimant and driver have a familial  
17 relationship, such as husband and wife, father and daughter,  
18 mother and stepson, etc., or the claimant and driver live at the  
19 same address, it shall be presumed the claimant is responsible and  
20 the vehicle was operated by the driver, in violation of Section  
21 9.28.019, 9.28.020, 9.28.022, 9.28.030, subsection 9.48.080B, or  
22 8.65.030, with the knowledge and consent of the claimant.  
23

24 h. If a claimant was in the vehicle at the same time the vehicle  
25 was being operated by the driver in violation of Section 9.28.020 or  
26 9.28.022, it shall be presumed the claimant knew and consented to  
27 operation of the vehicle in violation of Section 9.28.020, subsection  
28 9.48.080B, or 9.28.022.  
29

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31 8. The municipality may enter into an agreement with the registered  
32 owner or lienholder of the vehicle to resolve a civil impound or forfeiture  
33 action arising under Section 9.28.019, 9.28.020, 9.28.022, 9.28.030  
34 subsection 9.48.080B, or 8.65.030 and permit release of the vehicle. Any  
35 such agreement shall include:  
36

37 a. Acceptance by the owner or lienholder of responsibility for  
38 meeting the requirements of subsection C.9.;

39  
40 b. Agreement the owner or lienholder shall take reasonable steps  
41 to prevent the individual arrested for or charged with driving under  
42 the influence or with refusal to submit to chemical tests from

1 operating the vehicle until properly licensed; and

2  
3 c. Acknowledgment by the owner or lienholder that failure to fulfill  
4 his or her obligations under the agreement may result in forfeiture  
5 of the vehicle at the option of the municipality. This requirement  
6 shall not apply to a regulated lienholder required by other law or by  
7 the terms of the agreement creating the lien to permit the individual  
8 to recover the vehicle upon payment of the lien or cure of any  
9 default.

10  
11 9. No vehicle shall be released unless the applicant:

12  
13 a. Provides proof of insurance in a form acceptable to the  
14 municipality;

15  
16 b. Provides proof of ownership or, if a lienholder, a legal right to  
17 repossess the vehicle; and

18  
19 c. Pays or provides proof of payment of any costs imposed,  
20 including the impound fees, storage fees and any court costs  
21 imposed. The impound fee shall be the actual cost of impound plus  
22 an administrative charge of \$390.00 to offset the municipality's  
23 processing costs for seizures of vehicles based on an alleged  
24 violation of Section 9.28.019, 9.28.020, 9.28.022, subsection  
25 9.48.080B, or 8.65.030.

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27 11. Temporary release of vehicle pursuant to vehicle return bond.

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29 a. A registered owner or lienholder may obtain temporary release  
30 of a vehicle seized by the municipality pursuant to this subsection.

31  
32 b. The purpose of setting a vehicle return bond on the vehicle is to  
33 secure the presence of the vehicle and to provide security to be  
34 forfeited along with the proceeds of a sale, transfer, or  
35 encumbrance if the vehicle is sold, transferred, or encumbered after  
36 the vehicle has been released pending the final disposition in the  
37 criminal action against the driver of the seized vehicle or the final  
38 disposition in the civil action against claimants of the seized vehicle.  
39 If the vehicle's release has been obtained through the posting of a  
40 vehicle return bond and the vehicle is not returned pursuant to the  
41 court's order, the municipality may, in addition to obtaining the  
42 forfeited bond funds, seize the vehicle to implement the

1 impoundment or forfeiture ordered by the court. A person who  
2 secures the release of a vehicle pursuant to a vehicle return bond  
3 must return the vehicle upon order of the court. If a vehicle has not  
4 been impounded for a longer period than the vehicle would be  
5 impounded if the person were convicted, the court shall not delete  
6 the requirement of the vehicle return bond or exonerate a posted  
7 vehicle return bond until the vehicle for which bond has been  
8 posted is returned pursuant to court order. A vehicle return bond  
9 shall be posted with the municipality and in cash only. A vehicle  
10 return bond shall be set at a minimum of:

11  
12 i. Two hundred fifty dollars (\$250.00) if the person charged  
13 with a violation of Section 9.28.019, 9.28.020, 9.28.022,  
14 9.28.030, subsection 9.48.040B, or 8.65.030 has not been  
15 previously convicted;

16  
17 ii. Five hundred dollars (\$500.00) if the person charged with  
18 a violation of Section 9.28.019, 9.28.020, 9.28.022,  
19 9.28.030, subsection 9.48.040B, or 8.65.030 has been  
20 previously convicted and the vehicle is twenty (20) years old  
21 or older;

22  
23 iii. One thousand dollars (\$1,000.00) if the person charged  
24 with a violation of Section 9.28.019, 9.28.020, 9.28.022,  
25 9.28.030, subsection 9.48.040B, or 8.65.030 has been  
26 previously convicted and the vehicle is fifteen (15) years old  
27 or older but less than twenty (20) years old;

28  
29 iv. One thousand five hundred dollars (\$1,500.00) if the  
30 person charged with a violation of Section 9.28.019,  
31 9.28.020, 9.28.022, 9.28.030, subsection 9.48.040B, or  
32 8.65.030 has been previously convicted and the vehicle is  
33 ten (10) years old or older but less than fifteen (15) years  
34 old;

35  
36 v. Two thousand dollars (\$2,000.00) if the person charged  
37 with a violation of Section 9.28.019, 9.28.020, 9.28.022,  
38 9.28.030, subsection 9.48.040B, or 8.65.030 has been  
39 previously convicted and the vehicle is five (5) years old or  
40 older but less than ten (10) years old; and

41  
42 vi. Two thousand five hundred dollars (\$2,500.00) if the

1 person charged with a violation of Section 9.28.019,  
2 9.28.020, 9.28.022, 9.28.030, subsection 9.48.040B, or  
3 8.65.030 has been previously convicted and the vehicle is  
4 less than five (5) years old.

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6 f. The court shall order the forfeiture of a vehicle return bond if a  
7 person charged under Section 9.28.019, 9.28.020, 9.28.022,  
8 9.28.030, subsection 9.48.040B, or 8.65.030 obtains temporary  
9 release of a seized vehicle and does not appear before the court as  
10 ordered.

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12 D. *Impoundment.*

13  
14 1. A motor vehicle that is operated, driven, or in the actual physical  
15 control of an individual arrested for, or charged with, an alleged violation of  
16 Section 9.28.019, 9.28.020, 9.28.022, 9.28.030, subsection 9.48.040B, or  
17 8.65.030 may be ordered impounded either upon conviction of the  
18 defendant of a violation of Section 9.28.019, 9.28.020, 9.28.022, 9.28.030,  
19 subsection 9.48.040B, or 8.65.030, or upon the decision of a court in a  
20 separate civil proceeding. To obtain an order for impoundment in a  
21 contested proceeding, the municipality must establish by a preponderance  
22 of the evidence that the vehicle was operated, driven, or in the actual  
23 physical control of an individual who was acting in violation of Section  
24 9.28.019, 9.28.020, 9.28.022, 9.28.030, subsection 9.48.040B, or  
25 8.65.030.

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27  
28 4. A vehicle ordered impounded under this section shall be held for a  
29 period of thirty (30) days. An impoundment order may be made either  
30 upon conviction of the defendant of a violation of Section 9.28.019,  
31 9.28.020, 9.28.022, 9.28.030, subsection 9.48.040B, or 8.65.030 or upon  
32 decision of a court in a separate civil proceeding.

33  
34 E. *Forfeiture.*

35  
36 1. To obtain an order for forfeiture under this section in a contested  
37 proceeding, the municipality must establish by a preponderance of the  
38 evidence that:

39  
40 a. The vehicle was operated, driven or in the actual physical  
41 control of an individual who was acting in violation of Section  
42 9.28.019, 9.28.020 or 9.28.022, 9.28.030, subsection 9.48.040B, or

1 8.65.030; and

2  
3 b. The individual has been previously convicted.

4  
5 2. A motor vehicle that is operated, driven or in the actual physical  
6 control of an individual arrested or charged with an alleged violation of  
7 Section 9.28.019, 9.28.020, 9.28.022, 9.28.030, subsection 9.48.040B, or  
8 8.65.030 may be forfeited to the municipality either upon conviction of the  
9 defendant of a violation of Section 9.28.019, 9.28.020, 9.28.022, 9.28.030,  
10 subsection 9.48.040B, or 8.65.030 or upon decision of a court in a  
11 separate civil proceeding.

12  
13 3. A motor vehicle may be seized and towed to a secure location by a  
14 peace officer or a peace officer's designee upon an order issued by a  
15 court having jurisdiction over the motor vehicle upon a showing of  
16 probable cause that the motor vehicle may be forfeited or impounded  
17 under this section, Section 9.28.019, 9.28.020, 9.28.022, 9.28.030,  
18 subsection 9.48.040B, or 8.65.030. Seizure without a court order may be  
19 made if:

20  
21 a. The impoundment is incident to an arrest;

22  
23 b. The motor vehicle has been ordered impounded or forfeited and  
24 that order has not yet been executed; or

25  
26 c. There is probable cause to believe that the motor vehicle was  
27 operated, driven or in the actual physical control of an individual in  
28 violation of Section 9.28.019, 9.28.020, 9.28.022, 9.28.030,  
29 subsection 9.48.040B, or 8.65.030.

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31 4. A motor vehicle seized for the purpose of forfeiture or impoundment  
32 shall be held in the custody of the police department or a private  
33 corporation authorized by the chief of police to retain custody of the motor  
34 vehicle, subject only to the orders and decrees of the court having  
35 jurisdiction over any forfeiture or impoundment proceedings. If a motor  
36 vehicle is seized under this section, Section 9.28.019, 9.28.020, 9.28.022,  
37 9.28.030, subsection 9.48.040B, or 8.65.030, the chief of police, or  
38 authorized designee, may:

39  
40 a. Remove the motor vehicle and any contents of the motor  
41 vehicle to a place designated by the court; or  
42



1 b. Take custody of the motor vehicle and any contents of the  
2 motor vehicle and remove it to an appropriate location for  
3 disposition. No private corporation may make or perform a contract  
4 to tow, store, or retain custody of motor vehicles seized or  
5 impounded under this section, Section 9.28.019, 9.28.020,  
6 9.28.022, 9.28.030, subsection 9.48.040B, or 8.65.030 if any of the  
7 owners of that private corporation have been convicted of a felony  
8 or any crime involving larceny, theft, or receiving and concealing  
9 stolen property within ten years before the date of execution of the  
10 contract or during the term of the contract. No private corporation  
11 may make or perform a contract to tow, store, or retain custody of  
12 motor vehicles seized or impounded under this section, Section  
13 9.28.019, 9.28.020, 9.28.022, 9.28.030, subsection 9.48.040B, or  
14 8.65.030 if any of the employees of that private corporation have  
15 been convicted of a felony or any crime involving larceny, theft, or  
16 receiving and concealing stolen property within five years before  
17 the date of execution of the contract or during the term of the  
18 contract.

19  
20 5. Following a forfeiture order under this section, Section 9.28.019,  
21 9.28.020, or 9.28.022, 9.28.030, subsection 9.48.040B, or 8.65.030, the  
22 chief of police, or authorized designee, shall make an inventory of the  
23 contents of any motor vehicle seized. Personal property in a vehicle that is  
24 subject to a vehicle return bond under subsection C.11. and has not been  
25 released pursuant to that vehicle return bond can be recovered from a  
26 vehicle only by the owner of the vehicle and only upon payment of a fee  
27 charged for monitoring the recovery of such personal property. Such fee  
28 shall be set by contract between the towing and storage contractor and  
29 the municipality if it is not established by ordinance. Such fee shall be  
30 recoverable by the owner of the vehicle if a court makes a specific finding  
31 that the seizure of the vehicle was legally unjustified or pursuant to a  
32 stipulation between the parties.

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34  
35 7. Property forfeited under this section, Section 9.28.020, 9.28.022,  
36 9.28.030, or 8.65.030 shall be disposed of by the chief of police, or  
37 authorized designee, in accordance with this subsection. Property forfeited  
38 under this section, Section 9.28.019, 9.28.020, 9.28.022, 9.28.030,  
39 subsection 9.48.040B, or 8.65.030 includes both the vehicle that is the  
40 subject of the forfeiture action and the contents of the vehicle if those  
41 contents have not been recovered before the date of the disposal. The  
42 chief of police, or authorized designee, may:

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a. Sell the property at an auction conducted by an auctioneer not employed by the impound contractor and use the proceeds for payment of all delinquent fines for moving violations committed within the municipality and all proper expenses of seizure, custody, the costs of the auction, court costs, and municipal attorney fees, provided that if such sale is arranged for by the impound contractor, the municipality shall receive at least thirty percent (30%) of the proceeds of any sale of forfeited vehicles following deduction for the costs charged by the auctioneer for the auction of those vehicles regardless of whether the costs of impound and storage exceed the value of the forfeited vehicles sold;

b. Take custody of the property and use it in the enforcement of the municipal and state criminal codes; or

c. Destroy the property.

d. Property forfeited and sold at auction pursuant to this section, Section 9.28.019, 9.28.020, 9.28.022, 9.28.030, subsection 9.48.040B, and 8.65.030 shall be sold by an auctioneer approved before the auction by the chief of police, or authorized designee.

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iii. The municipal auditor shall certify the proper disposal of property forfeited under this section, Section 9.28.019, 9.28.020, 9.28.022, 9.28.030, subsection 9.48.040B, and 8.65.030.

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11. Property subject to the interest of a lienholder whose interest has not been forfeited may not be disposed of as provided in this section without the consent of the lienholder. A regulated lienholder's interest in a vehicle shall not be subject to forfeiture in any case where:

a. The individual who allegedly used the vehicle in violation of Section 9.28.019, 9.28.020, 9.28.022, 9.28.030, subsection 9.48.040B, or 8.65.030 is not the person whose dealings with the lienholder gave rise to the lien; or

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F. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except

1 where the context clearly indicates a different meaning:

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3 \*\*\* \*\*\* \*\*\*

4  
5 *Previously convicted* means:

6  
7 \*\*\* \*\*\* \*\*\*

8  
9 6. If charged with violating Section 9.48.040B, or another law or ordinance  
10 with substantially similar elements within ten years preceding the date of  
11 the present offense.

12  
13 (AO No. 82-205; AO No. 83-168, 10-17-83; AO No. 93-87(S-2), 1-1-94; AO No.  
14 94-71(S), § 1, 4-26-94; AO No. 95-84(S-1), § 18, 4-27-95; AO No. 95-163(S), §§  
15 10--19, 8-8-95; AO No. 97-87, § 3, 6-3-97; AO No. 2001-51, § 1, 2-27-01; AO No.  
16 2001-72, § 1, 7-1-02; AO No. 2001-139, § 2, 7-1-02; AO No. 2001-150, § 6, 8-28-  
17 01; AO No. 2003-73, §§ 12--14, 4-22-03; AO No. 2003-106, §§ 7, 8, 7-1-03; AO  
18 No. 2003-152S, § 2, 1-1-04; AO No. 2003-155, § 2, 6-1-04; AO No. 2004-61, § 1,  
19 3-2-04; AO No. 2006-89(S), § 1, 6-6-06; AO No. 2006-115, § 1, 9-12-06)

20  
21 Editor's note: AO No. 97-87 occasioned by 1996 Proposition 3 Initiative enacting  
22 Chapter XXI.

23 Cross references: Administrative adjudication procedures, Ch. 3.60.

24 State law references: Authority, AS 28.35.030.

25  
26 **Section 3.** Anchorage Municipal Code Section 9.28.027, Failure to Return a Vehicle  
27 that has Been Released Under a Vehicle Return Bond, is hereby amended to read as  
28 follows:

29  
30 **9.28.027 Failure to return a vehicle that has been released under a vehicle**  
31 **return bond.**

32  
33 It is unlawful for the person who has secured the release of a vehicle under a  
34 vehicle return bond under section 9.28.019, 9.28.020, 9.28.022, 9.28.026,  
35 9.28.030, subsection 9.48.080B, or 8.65.030 to willfully fail to return that vehicle  
36 when ordered by a court or a municipal administrative hearing officer. Each day  
37 that a vehicle is not returned constitutes a separate offense under this section.

38  
39 (AO No. 95-84(S-1), § 19, 4-27-95; AO No. 2001-72, § 3, 7-1-02; AO No. 2001-  
40 139, § 3, 7-1-02; AO No. 2003-155, § 3, 6-1-04; AO No. 2004-61, § 1, 3-2-04)

41

1 **Section 4.** Anchorage Municipal Code Section 14.60.030, Fine Schedule, is  
2 amended to read as follows:

3  
4 **14.60.030 Fine schedule.**

5  
6 The fine schedule under this chapter is as follows:  
7 TABLE INSET:

8

Code Section	Offense	Penalty/Fine
***	***	***
9.48.080	Failure to resolve citation (traffic)	150.00
<u>9.48.080.B</u>	<u>Delinquent traffic fines for three or more moving violations totaling \$1,000 or greater</u>	<u>Impound and forfeiture under AMC 9.28.026</u>
***	***	***

9  
10 (AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134,  
11 § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No.  
12 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-  
13 95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-  
14 96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-  
15 2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-  
16 133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2,  
17 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-  
18 64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2,  
19 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01;  
20 AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-  
21 145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-  
22 30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No.  
23 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-  
24 22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO  
25 No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-  
26 185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39,  
27 § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06)

28  
29 **Section 5.** This ordinance shall become effective on November 1, 2007.  
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PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Chair

ATTEST:  
  
\_\_\_\_\_  
Municipal Clerk

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

AO 2007-60

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

<b>1</b>	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED
	ENACTING A NEW SECTION AMC 9.48.080 B. MAKING IT UNLAWFUL FOR ANY PERSON TO	3/29/07
	OPERATE A MOTOR VEHICLE IF THAT PERSON HAS ACCUMULATED THREE OR MORE DELINQUENT	Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM
<b>2</b>	DEPARTMENT NAME    TRAFFIC FINES ...	DIRECTOR'S NAME
	Assembly	Daniel A. Sullivan, Chairman
<b>3</b>	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER
<b>4</b>	<b>COORDINATED WITH AND REVIEWED BY</b>	<b>INITIALS</b>
	<b>Mayor</b>	
	<b>Municipal Clerk</b>	
	<b>Municipal Attorney</b>	
	<b>Employee Relations</b>	
	<b>Municipal Manager</b>	
	Anchorage Parks & Recreation	
	Fire	
	Health & Human Services	
	Merrill Field Airport	
	Municipal Light & Power	
	Office of Management and Budget	
	Police	
	Port of Anchorage	
	Office of Economic & Community Development	
	Solid Waste Services	
	Public Transportation	
	Anchorage Water & Wastewater Utility	
	<b>Executive Manager</b>	
	Planning Department	
	Chief Fiscal Officer	
	Heritage Land Bank	
	Information Technology Department	
	Project Management & Engineering	
	Purchasing	
	<b>Other</b>	
<b>5</b>	<b>Special Instructions/Comments</b>	
	ADDENDUM -- CONSENT AGENDA-INTRODUCTION	
<b>6</b>	ASSEMBLY HEARING DATE REQUESTED    3/27/07	<b>7</b> PUBLIC HEARING DATE REQUESTED    4/10/07

M.O.A.  
 2007 MAR 29 PM 2:37  
 CLERK'S OFFICE



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

NO. AM 237-2007

Meeting Date: April 10, 2007

1       **From:**    Assemblymember Shamberg  
2                Assemblymember Tesche  
3

4       **Subject:**    AO 2007-60 — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL  
5                    ASSEMBLY ENACTING A NEW SECTION OF THE ANCHORAGE  
6                    MUNICIPAL CODE 9.48.080(B) MAKING IT UNLAWFUL FOR ANY  
7                    PERSON TO OPERATE A MOTOR VEHICLE IF THAT PERSON HAS  
8                    ACCUMULATED THREE OR MORE DELINQUENT TRAFFIC FINES  
9                    TOTALING MORE THAN \$1,000; PROVIDING FOR FORFEITURE AND  
10                   IMPOUNDMENT OF VEHICLES DRIVEN IN VIOLATION OF THAT  
11                   SUBSECTION; AMENDING SECTIONS 9.28.026 AND 9.28.027; AND  
12                   PROVIDING FOR AN EFFECTIVE DATE.  
13

14    If enacted, AO 2007-60 would allow for impoundment and forfeiture of motor vehicles  
15    driven on public streets if the driver has accumulated more than \$1,000 in delinquent  
16    fines for moving violations committed within the municipality. The additional remedy  
17    provided to law enforcement by the ordinance resembles those already available for  
18    offenses such as driving under the influence (DUI), driving without a valid license, and  
19    certain prostitution related crimes.  
20

21    AO 2007-60 would become effective on October 1, 2007, giving the Alaska Legislature  
22    ample time during the current session to pass legislation enabling municipalities to  
23    enact and enforce local ordinances such as AO 2007-60. CSHB 169 is currently before  
24    the Judiciary Committee of the House of Representatives, is expected to pass the  
25    House in the next several weeks, and then heads to the Senate. Enactment of  
26    AO 2007-60 with a delayed effective date, rather than postponement of the legislation  
27    until the legislature acts, is preferred because it provides legislators with clear policy  
28    guidance from affected local governments during their legislative process.  
29

30    The Finance Department reported that as of February 7, 2007, 42 persons have  
31    accumulated more than \$3,000 each in delinquent fines for traffic offenses committed  
32    within the municipality. Heading the list is one "frequent flyer" who has accumulated  
33    \$9,310 in delinquent fines for moving violations. APD sees a sufficiently high correlation  
34    between motor vehicle accidents caused by driver misconduct and drivers involved who  
35    have accumulated significant delinquent fines for moving violations.  
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As a public safety measure, the ordinance is intended to deter or prevent that conduct by placing at risk of forfeiture the very instrument abused by scofflaws who threaten public safety. Safer highways for Anchorage motorists, not increased revenue, is the goal of AO 2007-60.

Passage of AO 2007-60 is recommended.  
Respectfully submitted,

Janice Shamberg  
Assemblymember, Section 6

Alllan Tesche  
Assemblymember, Section 1