

**ANCHORAGE, ALASKA**  
**AO No. 2024-77, As Amended**

**AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 9.28 AND 9.54 TO CLARIFY TOWING AND IMPOUNDMENT PROCEDURES.**

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**WHEREAS**, upon its passage AO 2014-137(S), As Amended, enacted a substantial rewrite of the provisions of Title 9 governing the towing impoundment of vehicles; and

**WHEREAS**, one of the goals AO 2014-137(S), As Amended, was to provide every vehicle owner free one-time access to their impounded vehicles to retrieve their personal belongings under AMC 9.54.030, regardless of the reason for the impound, except in instances where the vehicle had been impounded as evidence of a crime; and

**WHEREAS**, per AIM 180-2023, the Ombudsman recently investigated complaints that persons whose vehicles were impounded under AMC 9.28.026 (in the "Serious Traffic Offenses" chapter of Code) were denied access to their vehicles based on the Administration's interpretation of AMC 9.54.030; and

**WHEREAS**, other than the narrow exception where the vehicle or its contents are evidence in an ongoing criminal investigation, there is no reasonable justification for denying vehicle owners one-time free access to their impounded vehicles to recover personal belongings; and

**WHEREAS**, the negative consequence of denying vehicle owners one-time free access to their vehicle s to recover personal belongings is unfair and unreasonable; now, therefore,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code chapter 9.28 is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

**Chapter 9.28 - SERIOUS TRAFFIC OFFENSES**

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**9.28.019      Valid operator's license required.**

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K. Before disposing of any vehicle forfeited under this section, the chief of police shall allow at least one-time access to the towed vehicle by the vehicle owner or authorized agent to remove items pursuant to section 9.54.030B. Thereafter the chief of police, or designee shall make an inventory of the contents of any motor vehicle seized. Property forfeited under this section shall be disposed of by the chief

of police or designee in accordance with this subsection. Property forfeited under this section includes both the vehicle that is the subject of the forfeiture action and the contents of the vehicle if those contents have not been recovered before the date of the disposal. The chief of police or designee may:

1. Sell the property at an auction conducted by an auctioneer not employed by the impound contractor and use the proceeds for payment of all proper expenses of seizure, custody, the costs of the auction, court costs, and municipal attorney fees, provided if such sale is arranged for by the impound contractor the municipality shall receive at least 30 percent 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 vehicles sold;
2. Take custody of the property and use it in the enforcement of the municipal and state criminal codes; or
3. Destroy the property.

(CAC 9.12.010; AO No. 267 76; AO No. 78-72; AO No. 78-230(S); AO No. 83-168, 10-17-83; AO No. 89-52; AO No. 91-57(S); AO No. 2001-72, § 1, 7-1-02; AO No. 2002-125, § 1, 8-20-02; AO No. 2003-73, §§ 6, 7, 4-22-03; AO No. 2003-106, §§ 1, 2, 7-1-03; AO No. 2009-61, § 4, 7-7-09; AO No. 2010-76, § 1, 10-26-10; AO No. 2010-81(S-1), § 5, 12-7-10, eff. 1-1-11; AO No. 2011-113(S), § 58, 11-22-11, eff. 12-22-11; AO No. 2014-42, § 18, 6-21-14; EO No. 2016-1, §§ 3, 4, 7-12-16 ; AO No. 2016-83(S), §§ 5, 6, 7-26-16 )

**9.28.020 Operating under the influence—Prohibited; sentencing**

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M. Vehicles ordered impounded under section 9.28.020.C.5 which are not claimed at the end of the court-ordered period of impoundment may be disposed of pursuant to the provisions of AS 28.10.502. If the contents of the vehicle have not been recovered before such disposal, the contents may be disposed of with the vehicle. Personal property in a vehicle that is subject to a vehicle return bond under section 9.28.020.J and has not been released pursuant to that vehicle return bond can be recovered pursuant to section 9.54.030B. by the owner or authorized agent being allowed at least one-time access to the towed vehicle free of charge. Subsequent access to the vehicle may be granted only to [BY] the owner of the vehicle and only upon payment of a fee charged for monitoring the recovery of such personal property. Such fee shall be set by contract between the towing and storage contractor and the municipality if it is not established by ordinance. Such fee shall be recoverable by the owner of the vehicle

1 if a court makes a specific finding that the seizure of the vehicle was  
 2 legally unjustified following a contested hearing or pursuant to a  
 3 stipulation between the parties.

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6 (AO No. 267-76; AO No. 78-72; AO No. 78-230(S); AO No. 80-122; AO No.  
 7 81-75; AO No. 82-126; AO No. 83-168, 10-17-83; AO No. 89-52; AO No. 91-  
 8 56(S); AO No. 91-190; AO No. 94-68(S), § 11, 8-11-94; AO No. 95-84(S-1),  
 9 §§ 1—9, 4-27-95; AO No. 95-163(S), §§ 1—5, 8-8-95; AO No. 97-72, § 1, 6-  
 10 10-97; AO No. 97-87, § 1, 6-3-97; AO No. 2001-51, § 1, 2-27-01; AO No.  
 11 2001-150, § 1, 8-28-01; AO No. 2001-145(S-1), § 6, 12-11-01; AO No. 2002-  
 12 125, § 2, 8-20-02; AO No. 2003-73, §§ 8, 9, 4-22-03; AO No. 2003-106, §§  
 13 3, 4, 7-1-03; AO No. 2006-152, §§ 1, 2, 1-1-07; AO No. 2008-122, § 1, 12-  
 14 16-08; AO No. 2009-61, § 5, 7-7-09; AO No. 2010-76, § 2, 10-26-10; AO No.  
 15 2010-81(S-1), § 6, 12-7-10, eff. 1-1-11; AO No. 2011-113(S), § 59, 11-22-11,  
 16 eff. 12-22-11; AO No. 2014-42, § 19, 6-21-14)

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 20 **9.28.022 Driving under the influence—Refusal to submit to**  
 21 **chemical tests.**

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24 M. Vehicles ordered impounded under section 9.28.022D.5 which are not  
 25 claimed at the end of the court-ordered period of impoundment may  
 26 be disposed of pursuant to the provisions of AS 28.10.502. If the  
 27 contents of the vehicle have not been recovered before such disposal,  
 28 the contents may be disposed of with the vehicle. Personal property  
 29 in a vehicle that is subject to a vehicle return bond under section  
 30 9.28.022.J and has not been released pursuant to that vehicle return  
 31 bond can be recovered pursuant to section 9.54.030B by the owner or  
 32 authorized agent being allowed at least one-time access to the towed  
 33 vehicle free of charge. Subsequent access to the vehicle may be  
 34 granted only to [BY] the owner of the vehicle and only upon payment  
 35 of a fee charged for monitoring the recovery of such personal property.  
 36 Such fee shall be set by contract between the towing and storage  
 37 contractor and the municipality if it is not established by ordinance.  
 38 Such fee shall be recoverable by the owner of the vehicle if a court  
 39 makes a specific finding that the seizure of the vehicle was legally  
 40 unjustified following a contested hearing or pursuant to a stipulation  
 41 between the parties.

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44 (AO No. 82-126; AO No. 83-168, 10-17-83; AO No. 91-56(S); AO No. 91-  
 45 190; AO No. 95-84(S-1), §§ 10—17, 4-27-95; AO No. 95-163(S), §§ 6—9, 8-  
 46 8-95; AO No. 97-87, § 2, 6-3-97; AO No. 2001-51, § 1, 2-27-01; AO No. 2002-  
 47 125, § 4, 8-20-02; AO No. 2003-73, §§ 10, 11, 4-22-03; AO No. 2003-106,  
 48 §§ 5, 6, 7-1-03; AO No. 2008-122, § 2, 12-16-08; AO No. 2009-61, § 6, 7-7-

09; AO No. 2010-76, § 3, 10-26-10 AO No. 2010-81(S-1), § 7, 12-7-10, eff. 1-1-11; AO No. 2011-113(S), § 61, 11-22-11, eff. 12-22-11; AO No. 2014-42, § 21, 6-21-14)

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**9.28.026      Impoundment and forfeiture of vehicle.**

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**C.      *General provisions.***

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

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- e.      Personal property in a vehicle subject to a vehicle return bond under this subsection and not released pursuant to that vehicle return bond may be recovered from a vehicle pursuant to section 9.54.030B by the owner or authorized agent being allowed at least one-time access to the towed vehicle free of charge. Subsequent access to the vehicle may be granted only to [BY] the owner of the vehicle and only upon payment of a fee charged for monitoring the recovery of such personal property. Such fee shall be set by contract between the towing and storage contractor and the municipality if it is not established by ordinance. Such fee shall be recoverable by the owner of the vehicle if a court makes a specific finding that seizure of the vehicle was legally unjustified or pursuant to a stipulation between the parties.

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**D.      *Impoundment.***

1.      A motor vehicle operated, driven, or in the actual physical control of an individual arrested for, or charged with, an alleged violation of section 9.28.019, 9.28.020, 9.28.022, or 8.65.030 may be ordered impounded either upon conviction of the defendant of a violation of section 9.28.019, 9.28.020, 9.28.022, or 8.65.030, or upon the decision of a court in a separate civil proceeding. To obtain an order for impoundment in a contested proceeding, the municipality must establish by a preponderance of the evidence that the vehicle was operated, driven, or in the actual physical control of an individual who was acting in violation of section 9.28.019, 9.28.020, 9.28.022, or 8.65.030.
2.      A vehicle may be seized for impound under the circumstances set forth in subsection E.3.

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- 3. A vehicle seized incident to an arrest may be held by the municipality for up to two days before the owner or lienholder may obtain release of the seized vehicle.
  - a. For purposes of computing the two-day period, the day the vehicle was seized is not included. For purposes of computing the two-day period, Saturdays, Sundays and municipal holidays are not included.
- 4. A vehicle ordered impounded under this section shall be held for a period of 30 days. An impoundment order may be made either upon conviction of the defendant of a violation of section 9.28.019, 9.28.020, 9.28.022, or 8.65.030 or upon decision of a court in a separate civil proceeding.
- 5. Vehicles ordered impounded under this section not claimed at the end of the 30-day, court-ordered period of impoundment may be disposed of pursuant to the provisions of AS 28.10.502.
  - a. If the contents of the vehicle have not been recovered before such disposal, the contents may be disposed of with the vehicle.
  - b. Personal property in a vehicle subject to a vehicle return bond under subsection C.11. above, and not released pursuant to that vehicle return bond may be recovered from a vehicle only by the owner of the vehicle and only upon payment of a fee charged for monitoring the recovery of such personal property.
  - c. Each tow operator shall allow at least one-time access to the towed vehicle by the vehicle owner or authorized agent to remove items pursuant to section 9.54.030B. Additional access to the vehicle prior to a release may be subject to a [THE] fee for monitoring the recovery of personal property as [SHALL BE] set by contract between the towing and storage contractor and the municipality if it is not established by ordinance.
  - d. The fee for monitoring the recovery of personal property shall be recoverable by the owner of the vehicle if a court makes a specific finding the seizure of the vehicle was legally unjustified or pursuant to a stipulation between the parties.
- 6. Civil release of the vehicle does not affect or change the criminal proceedings incurred as a result of the violation.

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3 E. *Forfeiture.*

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6 4. A motor vehicle seized for the purpose of forfeiture or  
7 impoundment shall be held in the custody of the police  
8 department or a private corporation authorized by the chief of  
9 police to retain custody of the motor vehicle, subject only to the  
10 orders and decrees of the court having jurisdiction over any  
11 forfeiture or impoundment proceedings. If a motor vehicle is  
12 seized under this section, section 9.28.019, 9.28.020, 9.28.022,  
13 or 8.65.030, the chief of police, or authorized designee shall  
14 allow at least one-time access to the towed vehicle by the  
15 vehicle owner or authorized agent to remove items pursuant to  
16 section 9.54.030B. Thereafter the chief of police, or authorized  
17 designee[,] may:

- 18  
19 a. Remove the motor vehicle and any contents of the motor  
20 vehicle to a place designated by the court; or  
21  
22 b. Take custody of the motor vehicle and any contents of  
23 the motor vehicle and remove it to an appropriate  
24 location for disposition. No private corporation may  
25 make or perform a contract to tow, store, or retain  
26 custody of motor vehicles seized or impounded under  
27 this section, section 9.28.019, 9.28.020, 9.28.022, or  
28 8.65.030 if any of the owners of that private corporation  
29 have been convicted of a felony or any crime involving  
30 larceny, theft, or receiving and concealing stolen  
31 property within ten years before the date of execution of  
32 the contract or during the term of the contract. No private  
33 corporation may make or perform a contract to tow,  
34 store, or retain custody of motor vehicles seized or  
35 impounded under this section, section 9.28.019,  
36 9.28.020, 9.28.022, or 8.65.030 if any of the employees  
37 of that private corporation have been convicted of a  
38 felony or any crime involving larceny, theft, or receiving  
39 and concealing stolen property within five years before  
40 the date of execution of the contract or during the term  
41 of the contract.

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43 5. Following a forfeiture order under this section, section  
44 9.28.019, 9.28.020, or 9.28.022, or 8.65.030, the chief of police,  
45 or authorized designee, shall make an inventory of the contents  
46 of any motor vehicle seized. Personal property in a vehicle  
47 subject to a vehicle return bond under subsection C.11. and not  
48 released pursuant to that vehicle return bond or pursuant to

1 section 9.54.030B. may be recovered from a vehicle only by the  
 2 owner of the vehicle and only upon payment of a fee charged  
 3 for monitoring the recovery of such personal property. Such fee  
 4 shall be set by contract between the towing and storage  
 5 contractor and the municipality if it is not established by  
 6 ordinance. Such fee shall be recoverable by the owner of the  
 7 vehicle if a court makes a specific finding the seizure of the  
 8 vehicle was legally unjustified or pursuant to a stipulation  
 9 between the parties.

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 13 (AO No. 82-205; AO No. 83-168, 10-17-83; AO No. 93-87(S-2), 1-1-94; AO  
 14 No. 94-71(S), § 1, 4-26-94; AO No. 95-84(S-1), § 18, 4-27-95; AO No. 95-  
 15 163(S), §§ 10—19, 8-8-95; AO No. 97-87, § 3, 6-3-97; AO No. 2001-51, § 1,  
 16 2-27-01; AO No. 2001-72, § 1, 7-1-02; AO No. 2001-139, § 2, 7-1-02; AO No.  
 17 2001-150, § 6, 8-28-01; AO No. 2003-73, §§ 12—14, 4-22-03; AO No. 2003-  
 18 106, §§ 7, 8, 7-1-03; AO No. 2003-152S, § 2, 1-1-04; AO No. 2003-155, § 2,  
 19 6-1-04; AO No. 2004-61, § 1, 3-2-04; AO No. 2006-89(S), § 1, 6-6-06; AO  
 20 No. 2006-115, § 1, 9-12-06; AO No. 2007-60, § 2, 11-1-07; AO No. 2007-  
 21 161, § 3, 12-11-07; AO No. 2008-126, § 1, 1-6-09; AO No. 2010-76, § 4, 10-  
 22 26-10; AO No. 2010-81(S-1), § 8, 12-7-10, eff. 1-1-11; AO No. 2012-16, § 3,  
 23 2-14-12, retro eff. 12-22-11; AO No. 2012-55, § 1, 7-10-12; AO No. 2015-  
 24 126, § 2, 1-1-16 )

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 27 **Section 2.** Anchorage Municipal Code section 9.54.015 is hereby amended to  
 28 read as follows:

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 30 **9.54.015 Public safety impounds or tows from public ways.**

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 32 A. Towing services provided to remove a vehicle from a public way or  
 33 vehicular way or area may only be performed at the direction of an  
 34 enforcement officer having jurisdiction to initiate the tow. Grounds for  
 35 public impounds include, but are not limited to:
- 36 1. Chapter 9.28 (serious traffic offenses);
  - 37 2. Section 9.30.020 (illegal on-street parking, unattended vehicle  
 38 illegally left standing, vehicle reported stolen, incident to an  
 39 arrest which requires immediate appearance before a judge,  
 40 parking violation, parked to create a significant danger, vehicle  
 41 used in eluding police);
  - 42 3. Section 9.30.155 D. (vehicle in public parking lacking licenses  
 43 plates, registration tags or tags expired more than 12 months);
  - 44 4. Section 9.30.235 B. (unauthorized parking in space reserved  
 45 for persons with disabilities);
  - 46 5. Section 9.30.260 (improperly parked vehicle with four or more  
 47 unresolved parking citations as a public nuisance, parking  
 48 violation poses imminent threat to public health, safety or

- welfare);
- 6. Section 9.52.010 B. (VIN or license plate altered or removed or on different vehicle);
- 7. Subsection 15.20.020 B.12. (public nuisance vehicles);
- 8. Section 15.20.040 (abandoned vehicles); or
- 9. Section 15.20.060 (junk vehicles).

B. Pursuant to 9.54.030B., the owner or their authorized agent of any vehicle towed under the provisions of this section shall be allowed one-time access to the vehicle to collect their personal property.

(AO No. 2014-137(S), § 1, 11-18-14)

**Section 3.** Anchorage Municipal Code section 9.54.030 is hereby amended to read as follows:

**9.54.030 Nonconsensual tow rates and allowable fees.**

A. Nonconsensual tow rates: Each towing operator may charge a vehicle owner no more than the amount of the rates and fees listed in this section for a nonconsensual or private party impound (PPI) tow, and may not charge any rate or fees not described herein.

1. *Tow and transport to a storage yard.* The rate for a nonconsensual or PPI tow and transport to a storage yard shall be no more than as provided in this paragraph. This charge shall not be incurred until the vehicle transport has commenced as described in section 9.54.050D. The fee for a nonconsensual or PPI tow and transport by a commercial tow vehicle shall not exceed the following:

- a. Light duty (GVWR up to 10,000 pounds): \$235.00.
- b. Medium duty (GVWR 10,000 to 29,999 pounds): \$335.00.
- c. Heavy duty (GVWR 30,000 pounds and over): \$200.00 per hour.

2. *On scene release (curb release) fee.* This fee shall not exceed \$50.00 for an unloaded on scene release or curb release and \$75.00 for a loaded on scene release or curb release. The fee shall be assessed only in accordance with subsection 9.54.050 D.2.

3. *After regular business hours vehicle release fee.* The tow operator shall provide on call, after regular business hours release. The tow operator may charge no more than \$50.00 for



1 after-hours release.

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3 4. [VEHICLE ACCESS FEE. EACH TOW OPERATOR SHALL  
4 ALLOW AT LEAST ONE TIME ACCESS TO THE TOWED  
5 VEHICLE BY THE VEHICLE OWNER OR AUTHORIZED  
6 AGENT TO REMOVE ITEMS:

7  
8 A. DURING REGULAR BUSINESS HOURS, AS DEFINED  
9 IN THIS CHAPTER, WITHOUT CHARGE; OR

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11 B. ON CALL, AFTER-HOURS ACCESS, FOR WHICH  
12 THE TOW OPERATOR SHALL CHARGE NO MORE  
13 THAN \$50.00; OR

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15 C. ON THE SCENE OF THE TOW AWAY, WITHOUT  
16 CHARGE, IF THE VEHICLE OWNER, OPERATOR OR  
17 AGENT DOES NOT OBTAIN AN ON SCENE  
18 RELEASE.

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20 ACCESS IS REQUIRED TO BE PROVIDED ONCE,  
21 ADDITIONAL ACCESS TO THE VEHICLE PRIOR TO A  
22 RELEASE IS AT THE DISCRETION OF THE TOW  
23 OPERATOR OR STORAGE YARD AND SHALL NOT  
24 EXCEED \$50.00 PER ACCESS. THE TOW OPERATOR  
25 SHALL NOT CHARGE BOTH AN ON CALL, AFTER HOURS  
26 VEHICLE ACCESS FEE AND AN AFTER-HOURS RELEASE  
27 FEE, UNLESS THE ACCESS AND RELEASE ARE AT LEAST  
28 FOUR HOURS APART. THIS FEE IS A STORAGE CHARGE.

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30 5.] *Storage charges.* Storage charges shall not commence until 24  
31 hours after the vehicle arrives at the storage yard and the  
32 impound is reported to the police department. If the vehicle is  
33 claimed from impound within 24 hours, only the charge for tow  
34 and transport to the storage yard shall apply. Storage charges  
35 shall be no more than \$30.00 per day.

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37 5[6]. *Fuel surcharge.* A tow operator may add a fuel surcharge to the  
38 towing fee for transport to the storage yard.

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40 a. The fuel surcharge may be added only for:

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42 i. Transport exceeding 20 miles;

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44 ii. For a tow operator with its office or usual place of  
45 business in the Anchorage Bowl, regardless of  
46 the twenty mile limitation, all loaded miles:

47  
48 (A) South of the southern end of Potter's

Marsh when using the Seward Highway;

(B) North of the Arctic Valley Road highway exit ramp when using the Glenn Highway;

b. Miles shall be calculated by the most direct route from the tow site to the storage yard regardless of whether the tow operator takes a different route;

c. The allowable fuel surcharge is \$3.00 per mile with a vehicle loaded;

d. The fuel surcharge is a towing charge for purposes of the lien authorized by AS 28.10.502.

B. Except where a law enforcement officer prohibits access due to the vehicle and/or its contents being retained as evidence in an ongoing criminal investigation, each tow operator shall allow the vehicle owner or their authorized agent at least one-time access to a vehicle towed pursuant to section 9.54.015 or 9.54.020 to remove items:

1. During regular business hours, as defined in this chapter, without charge; or

2. On call, after-hours access, for which the tow operator may charge no more than \$50.00; or

3. On the scene of the tow away, without charge, if the vehicle owner, operator or agent does not obtain an on-scene release.

Access is required to be provided once, additional access to the vehicle prior to a release is at the discretion of the tow operator or storage yard and if a charge imposed it shall not exceed \$50.00 per additional access. The tow operator shall not charge both an on call, after hours vehicle access fee and an after-hours release fee, unless the access and release are at least four hours apart. This fee is a storage charge.

C. If no increase occurs within five years of the most recent amendment to a fee, charge or rate listed in this section, the amount will automatically increase by a percentage equal to the average percentage change in the CPI-U for Anchorage, Alaska, in the preceding five calendar year period on an average annual basis, plus five percent. The CPI-U is the United States Department of Labor, Bureau of Labor Statistics annual average for all items for all urban consumers published for Anchorage, Alaska. The automatic increase shall be effective on January 1 of the calendar year following the five year anniversary of the most recent amendment to the affected rate.

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D[C]. Each tow operator shall post a list of the allowable rates and rate maximums authorized by this chapter at each business location, including a placard in the tow operator's vehicle. A notice with the list of the allowable rates shall be provided to the vehicle owner or agent upon initial contact.

E[D]. Each towing operator shall accept for payment for towing or storage services at the tow operator's or tow service office usual place of business, including in the tow vehicle, the following forms of payment:

1. Cash,
2. Debit cards, and
3. Major credit cards.

E[E]. Rates for consensual tows are not regulated by the municipality.

(AO No. 83-49; AO No. 2005-84(S), § 1, 1-1-06; AO No. 2011-113(S), § 167, 11-22-11, eff. 12-22-11; AO No. 2014-137(S), § 1, 11-18-14)

**Section 4.** This ordinance shall be effective **April 1, 2025**~~immediately~~ upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 10th day of September, 2024.

*Christopher Constant*

ATTEST:

Chair

*Jenine King*

Municipal Clerk



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 624-2024

Meeting Date: August 13, 2024

1 **From: Assembly Member Rivera**  
 2  
 3 **Subject: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING**  
 4 **ANCHORAGE MUNICIPAL CODE CHAPTERS 9.28 AND 9.54 TO**  
 5 **CLARIFY TOWING AND IMPOUNDMENT PROCEDURES.**

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 8 The proposed ordinance is offered in response to a recent investigative report  
 9 submitted by the Ombudsman to the Assembly via AIM 180-2023, addressing  
 10 complaints by a constituent that they had been denied one-time access to their  
 11 impounded vehicle without being charged as required under AMC 9.54.030.  
 12 Specifically, the Ombudsman found that both APD and the Department of Law read  
 13 AMC 9.54.030 to apply only to private party impounds and nonconsensual tows  
 14 executed under the provisions of AMC 9.54.020. As the complainant's vehicle had  
 15 been impounded pursuant to an arrest under AMC 9.28.026, their rationale was the  
 16 Code did not clearly provide the constituent the right to access their vehicle free of  
 17 charge, although there did not appear to be any practical reason requiring disparate  
 18 treatment of impounded vehicles.

19  
 20 The proposed ordinance would address this concerns raised in this report by  
 21 amending two areas of Code:

- 22  
 23 1. AMC chapter 9.28 would be amended in multiple sections to explicitly require  
 24 vehicles impounded under its authority to be subject to the same one-time  
 25 access rules of AMC 9.54.030.  
 26 2. AMC 9.54.030 is amended to clarify that the one-time free access provision  
 27 applies equally both to public safety impounds and tows from the public way  
 28 under AMC 9.54.015 as well as private party impounds and nonconsensual  
 29 tows from private areas under AMC 9.54.020. The text of section 9.54.020  
 30 has been provided for the Members' reference in Exhibit A attached to this  
 31 AM.  
 32

33 **I request your support for the ordinance.**

34 Reviewed by: Assembly Counsel's Office

35  
 36  
 37 Respectfully submitted: Felix Rivera, Assembly Member  
 38 District 4, Midtown

**9.54.020 Private Party Impounds (PPI) and nonconsensual tows from private and other specified areas.**

- A. Persons with an interest in private property used for parking may protect their property from unauthorized parking by utilizing private party impound (PPI) towing services to remove vehicles parked in violation of this section. A tow operator shall not provide PPI or nonconsensual tows from private areas unless the tow operator has a valid and current PPI endorsement issued by the municipal clerk in accordance with chapter 10.54.
- B. Vehicles parked in violation of this section may be removed, towed or stored by a licensed PPI tow operator subject to compliance with this chapter and chapter 10.54.
- C. It is unlawful for a person to park or cause to be parked a motor vehicle in:
  - 1. A private area which is adjacent to a commercial enterprise (defined in this chapter to include condominium, townhouse and multifamily dwelling uses when land use code requires ten or more off-street parking spaces), and which is owned or controlled by another person, if such private area has been signed, posted or otherwise clearly designated as a private area in accordance with signage requirements in section 9.54.050 and the person has parked the vehicle in violation of such signage.
  - 2. A private area which is not adjacent to a commercial enterprise, and which is owned or controlled by another person, without the express permission of such person.
- D. It is unlawful for a person to park or cause to be parked a motor vehicle in a manner that:
  - 1. Blocks the way of ingress or egress of a motor vehicle to a private area owned or controlled by another person.
  - 2. Blocks or impedes access to a dumpster. For purposes of this subsection, the term "dumpster" means a bulk refuse container of at least one cubic yard capacity designed to be emptied only mechanically by a refuse collection vehicle.
- E. Towing of vehicles; incident number requirement. Prior to commencing a nonconsensual tow or private party impound (PPI), a towing operator shall request an incident number from the Anchorage Police Department. Incident numbers shall be reported on any invoice or correspondence related to the towed vehicle.

Exhibit A

(AO No. 83-49; AO No. 2011-113(S), § 165, 11-22-11, eff. 12-22-11; AO No. 2014-137(S), § 1, 11-18-14)