

Postponed indefinitely 7/14/08

Submitted by: ASSEMBLY CHAIR CLAMAN
ASSEMBLY MEMBERS DRUMMOND,
GUTIERREZ, GRAY-JACKSON,
SELKREGG

Prepared by: Assembly Counsel
For reading: May 20, 2008

**ANCHORAGE, ALASKA
AO NO. 2008-67**

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REPEALING
2 AO 2007-122(S); REINSTATING ANCHORAGE MUNICIPAL CODE CHAPTERS
3 15.80 AND 15.85, RELATING TO THE MOTOR VEHICLE EMISSIONS INSPECTION
4 AND MAINTENANCE (I/M) PROGRAM; REINSTATING ANCHORAGE MUNICIPAL
5 CODE SUBSECTION 9.30.155 E., RELATING TO VEHICLE LICENSE PLATES
6 AND REGISTRATION; REINSTATING PORTIONS OF THE FINE SCHEDULE IN
7 ANCHORAGE MUNICIPAL CODE SECTION 14.60.030; AMENDING ANCHORAGE
8 MUNICIPAL CODE CHAPTERS 15.80 AND 15.85 REGARDING CERTAIN LOADED
9 MASS EMISSIONS TESTING ON MODIFIED OR REPLACEMENT ENGINES,
10 EXEMPTIONS FOR VEHICLE MODELS 25-YEARS-OLD OR GREATER AND
11 DURING THE FIRST SIX YEARS OF NEW VEHICLE MODELS; AND
12 ESTABLISHING EFFECTIVE DATES.

13
14 THE ANCHORAGE ASSEMBLY ORDAINS:

15
16 **Section 1.** Assembly Ordinance No. 2007-122(S), passed and approved by the
17 Assembly on November 6, 2007, is repealed in its entirety.

18
19 **Section 2.** Anchorage Municipal Code chapter 15.80, Vehicle Inspection and
20 Maintenance Program, is reinstated.

21
22 **Section 3.** Anchorage Municipal Code chapter 15.85, Requirements,
23 Specifications, and Procedures for Motor Vehicle Emissions Inspection and
24 Maintenance (I/M) program, is reinstated.

25
26 **Section 4.** Anchorage Municipal Code subsection 9.30.155.E is reinstated to
27 read as follows:

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29 **9.30.155 Vehicle license plates and registration.**

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31 *** *** ***

32 E. A motor vehicle that is parked, stopped or left standing on a street or
33 private property open to the public for travel or parking, and does not
34 have current registration properly attached as required by subsection
35 A of this section, shall be considered prima facie to not have a

current emissions (I.M.) certification as specified in Section 15.80.010.

1. A citation issued under subsection E of this section, may be dismissed by the parking authority if an I.M. inspection certificate, dated prior to the date of the violation, is provided within 30 days of the violation, and shall omit the scheduled penalty for the offense. Additionally, if the registered owner does not principally utilize and/or garage the vehicle within the municipality and provides the parking authority with proof of residency, shall omit the scheduled penalty for the offense. Such dismissals shall not apply to any late penalties or collection charges.
2. A motor vehicle ticketed for violating this section shall not be ticketed at the same time for both I.M. and registration violations.

(CAC 9.44.020; AO No. 78-72; AO No. 80-4; AO No. 85-40; AO No. 92-28; AO No. 92-134(S); AO No. 94-68(S), § 16, 8-11-94; AO No. 95-6, § 4, 5-16-95; AO No. 2003-152S, § 3, 1-1-04)

Section 5. Anchorage Municipal Code section 14.60.030 is reinstated 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:

| Code Section | | Offense | Penalty/Fine |
|--------------|----------------|------------------------|--------------|
| *** | | *** | *** |
| 15.80.010 | A. | Vehicle inspection | 200.00 |
| | B. | Vehicle inspection | 200.00 |
| | F. | Improper inspection | 75.00 |
| | H. | IMPROPER ADVERTISEMENT | 75.00 |
| 15.80.040 | I/M COMPLIANCE | | 75.00 |

1 Editor's note: The February 14, 2006 effective date of AO 2006-13 was
2 subject to State of Alaska approval of the I/M program amendments
3 pursuant to 18 AAC 52.035, and the state approved on May 15, 2006.
4

5 **Section 7.** Anchorage Municipal Code section 15.85.100, Summary, is
6 amended to read as follows: (*Subsection 15.85.100A is set out without*
7 *amendment for context only.*)
8

9 **15.85.100 Summary.**

10
11 A. This chapter contains the requirements, specifications, and procedures
12 for a motor vehicle emissions inspection and maintenance (I/M) program
13 administered by the municipality under Chapter 15.80. The information
14 contained herein is relatively technical in nature and is principally intended
15 for use by the operators of certified I/M stations, certified mechanics, and
16 departmental or contractor staff involved in administering the I/M program.
17 Separate publications are available from the I/M program administration
18 office that describes more concisely the requirements of the program for the
19 general public. The basis for these requirements can also be found in state
20 regulations under 18 AAC 52.
21

22 B. Under the I/M program, owners or operators of non-exempt vehicles are
23 required to have their vehicles inspected for emissions problems at least
24 biennially, upon initial registration of a used vehicle in the state, or upon
25 change of ownership if the vehicle is not currently in compliance. Vehicles
26 must be I/M certified prior to the initial registration or renewal of registration
27 by the state department of administration, division of motor vehicles (DMV).
28

29 *** **

30 (AO No. 99-160, § 7, 1-11-00)
31

32 **Section 8.** Anchorage Municipal Code section 15.85.220, Vehicles Requiring
33 Certificate of Inspection, is amended to read as follows: (*Subsection 15.85.220A is*
34 *set out without amendment for context only.*)
35

36 **15.85.220 Vehicles requiring certificate of inspection.**

37
38 A. *Program area.* Vehicles subject to this I/M program are passenger cars
39 and trucks registered, principally used, or principally located, within the
40 following zip codes or any other zip codes assigned to the Municipality of
41 Anchorage by the U.S. Postal Service:
42

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TABLE INSET:

| | | | | | |
|-------|-------|-------|-------|-------|-------|
| 99501 | 99506 | 99511 | 99516 | 99521 | 99567 |
| 99502 | 99507 | 99512 | 99517 | 99522 | 99577 |
| 99503 | 99508 | 99513 | 99518 | 99523 | 99587 |
| 99504 | 99509 | 99514 | 99519 | 99524 | |
| 99505 | 99510 | 99515 | 99520 | 99540 | |

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1. A person, including a person in military service, who temporarily resides in Alaska for more than 30 days and who owns or leases a vehicle that is principally located or operated in this I/M area, shall obtain a valid certificate of inspection for that vehicle, even if the vehicle is not required to be registered in Alaska. A temporary resident shall obtain the certificate of inspection within 30 days after entering the state. In addition to the requirements of this section, a motorist who lives in an area where a vehicle emissions inspection and maintenance program (I/M program) is implemented or administered, a motorist whose vehicle is principally located or operated in an I/M area, and a motorist who commutes into the municipality shall use specific maintenance practices for the motor vehicle ECS to reduce air pollution, including the practices described in this chapter.

2. Motorists operating vehicles not subject to the provisions of this section are encouraged to obtain an emission inspection, sticker and repairs as part of the regular maintenance performed on their vehicles.

3. Vehicles powered by diesel engines are required to have a windshield sticker only.

4. New vehicles as defined by B.4. of this section, are required to have windshield stickers

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B. *Exemptions.* Notwithstanding the requirements of Section 15.85.220.A, the following vehicles are exempt from the requirements of the I/M program:

1. Any vehicle with a model year 25 years or greater than the current calendar year. In calendar year 2010, 1985 and older model year vehicles are exempt from testing [1967 MODEL YEAR OR OLDER VEHICLE];

1 2. The referee facility may [SHALL ALSO] be used to inspect
2 vehicles that have been rejected from testing at certified I/M stations
3 because of engine or fuel changes, and to provide other services to
4 the general public as delegated by the program administrator.
5 Subject to the approval of the program administrator, the referee
6 facility may charge a fee of up to \$50.00 plus the cost of a certificate,
7 if issued, for inspecting a vehicle not previously inspected.

8
9 3. The facility may [SHALL] be equipped with instrumentation and
10 other equipment and supplies necessary to determine whether a
11 vehicle passes or fails an inspection test performed in accordance
12 with Section 15.85.600.

13 *** *** ***

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16 B. *Repair cost waiver.* Upon referral by a certified I/M station, a motorist
17 may apply to the municipality or to the referee facility if it is in operation, for
18 approval of a repair cost waiver for a vehicle, subject to the provisions of
19 Section 15.85.240.B. Upon verification that all applicable requirements have
20 been met, the referee facility may be used to [SHALL] approve a waiver and
21 issue a certificate of inspection for the vehicle. The [REFEREE FACILITY
22 SHALL MONITOR THE] yearly status of a vehicle receiving a repair cost
23 waiver shall be monitored until the vehicle is brought into full compliance
24 with I/M program requirements. The waiver is valid for one inspection
25 cycle.

26 *** *** ***

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28 D. *Motorist-disputed test results.*

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30 1. In the case of a dispute between a motorist and a certified I/M
31 station or certified I/M mechanic, the motorist should make an
32 appointment with the municipality or, if in operation, [TO BRING A
33 VEHICLE TO THE REFEREE FACILITY FOR AN EMISSION
34 INSPECTION], to verify the results of an inspection performed at a
35 certified I/M station.

36
37 a. If the referee facility is unable to perform an inspection on
38 the vehicle, a special circumstances waiver may be issued for
39 the vehicle, as provided in Section 15.85.235.B.

40
41 b. No waiver shall be issued to a vehicle that is untestable
42 due to correctable defects such as a repairable water pump,

1 fuel leak, or noisy engine condition. The motorist shall be
2 required to repair such defects before the referee inspects
3 [FACILITY PERFORMS AN EMISSION INSPECTION ON] the
4 vehicle.

5 *** **

6 G. *Engine switching.*

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8 1. Upon motorist application, the municipality or the referee facility
9 shall issue a certificate of inspection for a vehicle that has been
10 retrofitted with a replacement gasoline engine if the following
11 requirements are met:

12 *** **

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14 2. In lieu of meeting these requirements, a motorist may request to
15 have the municipality or the referee perform a [SUBMIT THE
16 RESULTS OF AN EMISSIONS TEST PERFORMED ON A
17 RETROFITTED VEHICLE USING THE FEDERAL TEST
18 PROCEDURE OR AN ALTERNATE] loaded mode mass emissions
19 test on the vehicle, as [PROCEDURE PREVIOUSLY] approved by
20 the program administrator. The test shall be available at the
21 municipality or the referee facility as long as the equipment is
22 operational and funding is available for its use. The program
23 administrator shall issue a certificate of inspection upon the submittal
24 of adequate proof that the retrofitted vehicle has the same or lower
25 mass emission rate as the engine-chassis configuration originally
26 installed in the vehicle. A motorist may also submit the results of an
27 emissions test performed on a retrofitted vehicle using the federal
28 test procedure or an alternate loaded mass emissions test procedure
29 previously approved by the program administrator.

30 *** **

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32 H. *Engine modifications.*

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34 1. Engine modifications, including the use of aftermarket parts, are
35 allowed provided that they are included on a list of approved parts or
36 engine modifications adopted by the program administrator. A
37 current copy of this list shall [WILL] be kept available for public
38 review at the I/M program administration office. This list includes all
39 modifications approved for use by the CARB, except those deleted
40 by the program administrator due to cold temperature operational
41 issues.
42

1 2. Application for the approval of modifications not included on the
2 list can be made to CARB, subject to the approval of the I/M program
3 administrator.
4

5 3. In lieu of meeting these requirements, a motorist may request to
6 have the municipality or the referee perform a loaded mode mass
7 emissions test on the vehicle, as approved by the program
8 administrator. The test shall be available at the municipality or the
9 referee facility as long as the equipment is operational and funding is
10 available for its use. The program administrator shall issue a
11 certificate of inspection upon the submittal of adequate proof that the
12 modified vehicle has the same or lower mass emission rate as the
13 engine-chassis configuration originally installed in the vehicle.
14

15 *** **
16 (AO No. 99-160, § 7, 1-11-00)
17

18 **Section 10.** Anchorage Municipal Code section 15.85.620, Preliminary Inspection
19 and Safety Check, is amended to read as follows:
20

21 **15.85.620 Preliminary inspection and safety check.**
22

23 *** **
24 B. The owner or operator of the certified station, or a certified mechanic
25 employed by the station shall inform the motorist that an inspection is not
26 required for
27

- 28 1. a vehicle that is exempt under 15.85.220.B;
29
30 2. a vehicle with a registration renewal date more than 90 days in
31 the future [, EXCEPT FOR CHANGE OF OWNERSHIP]; and
32
33 3. a vehicle that does not require an I/M test unless requested by
34 the motorist or required by the I/M program administrator because of
35 a pending enforcement action.
36

37 *** **
38 C. The owner or operator of an I/M station, or a certified I/M mechanic
39 employed by the station, shall refer the following vehicles to the referee
40 facility [FOR INSPECTION, OR] to verify qualification for a waiver under
41 Section 15.85.235:
42

*** **

1 **Section 14.** Sections 6 through 11 of this ordinance shall become effective thirty
2 (30) days after ADEC provides written notice to the I/M Administrator that ADEC
3 and EPA have duly accepted and approved the amendments.

4
5 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
6 _____, 2008.

7
8
9
10 _____
Chair

11 ATTEST:

12
13 _____
14 Municipal Clerk
15



MUNICIPALITY OF ANCHORAGE
ASSEMBLY INFORMATION MEMORANDUM
NO. AIM 51-2008

Meeting Date: June 24, 2008

1 **From:** Assembly Chair Claman
2
3

4 **Subject:** Summary of Economic Effects for AO 2008-67
5

6 Attached to this memo is the Summary of Economic Effects for Ordinance No. AN
7 ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REPEALING AO 2007-
8 122(S); REINSTATING ANCHORAGE MUNICIPAL CODE CHAPTERS 15.80 AND 15.85,
9 RELATING TO THE MOTOR VEHICLE EMISSIONS INSPECTION AND MAINTENANCE
10 (I/M) PROGRAM; REINSTATING ANCHORAGE MUNICIPAL CODE SUBSECTION 9.30.155
11 E., RELATING TO VEHICLE LICENSE PLATES AND REGISTRATION; REINSTATING
12 PORTIONS OF THE FINE SCHEDULE IN ANCHORAGE MUNICIPAL CODE SECTION
13 14.60.030; AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 15.80 AND 15.85
14 REGARDING CERTAIN LOADED MASS EMISSIONS TESTING ON MODIFIED OR
15 REPLACEMENT ENGINES, EXEMPTIONS FOR VEHICLE MODELS 25-YEARS-OLD OR
16 GREATER AND DURING THE FIRST SIX YEARS OF NEW VEHICLE MODELS; AND
17 ESTABLISHING EFFECTIVE DATES.
18

19 Prepared By: Guadalupe Marroquin, Election & Budget Coordinator
20 Reviewed By: Linda L. Heim, Deputy Municipal Clerk
21 Submitted By: Assemblymember Claman
22
23
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MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

Title: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REPEALING AO 2007-122(S); REINSTATING ANCHORAGE MUNICIPAL CODE CHAPTERS 15.80 AND 15.85, RELATING TO THE MOTOR VEHICLE EMISSIONS INSPECTION AND MAINTENANCE (I/M) PROGRAM; REINSTATING ANCHORAGE MUNICIPAL CODE SUBSECTION 9.30.155 E., RELATING TO VEHICLE LICENSE PLATES AND REGISTRATION; REINSTATING PORTIONS OF THE FINE SCHEDULE IN ANCHORAGE MUNICIPAL CODE SECTION 14.60.030; AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 15.80 AND 15.85 REGARDING CERTAIN LOADED MASS EMISSIONS TESTING ON MODIFIED OR REPLACEMENT ENGINES, EXEMPTIONS FOR VEHICLE MODELS 25-YEARS-OLD OR GREATER AND DURING THE FIRST SIX YEARS OF NEW VEHICLE MODELS; AND ESTABLISHING EFFECTIVE DATES.

AO Number: 2008-67

Sponsor: Assemblymember Claman
 Preparing Agency: Department of Assembly
 Others Impacted: Motor Vehicle Emissions Inspection & Maintenance (I/M) Program

| CHANGES IN EXPENDITURES AND REVENUES: | | (In Thousands of Dollars) | | | | |
|--|-----------------|----------------------------------|-----------------|-----------------|-----------------|--|
| | FY09 | FY10 | FY11 | FY12 | FY13 | |
| 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: | \$ (351) | \$ (351) | \$ (351) | \$ (351) | \$ (351) | |

CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:

The ordinance will exempt additional vehicles from I/M testing requirements. The new car exemption will be extended from four to six years and vehicles 25 years or older will no longer be tested. For each test, there is an \$18 certificate fee; revenues from the fee support the Municipal I/M and Air Quality Programs. We estimate that an additional 33,000 newer vehicles and 6,000 older vehicles will be exempted from testing requirements as a result of the ordinance. This means that 39,000 fewer vehicles will be tested during the biennial testing cycle. Thus on an annual basis, $39,000/2 = 19,500$ fewer vehicles will be tested. The Municipality will lose $19,500 \times \$18 = \$351,000$ in fee revenue. SEE is based on a comparison of the program currently in place.

PRIVATE SECTOR ECONOMIC EFFECTS:

According to department estimates, Private sector I/M test and repair industry anticipate business losses due to the the increase in vehicles exempted from testing requirements. Based on an estimate of 19,500 fewer vehicles each year with an average inspection cost of \$45, income loss is estimated $\$780,000 (\$40 \times 19,500)$ from I/M testing. The I/M repair industry also estimates lost revenues due to decreased repairs with fewer vehicles failing I/M tests. The fail rate among projected exempt vehicles is estimated to be 4% for newer vehicles and 25% for older vehicles. The number of vehicles not be repaired annually is estimated to be $(16,500 \times 0.04) + (3,000 \times 0.25) = 1,410$. The average cost of an I/M repair is estimated to be \$285. Thus, estimated private sector loss in income from repairs is $\$285 \times 1,410 = \$401,850$. Estimated combined loss in private sector receipts for Inspections (\$0.8M) and repairs (\$0.4M) totaling: \$1.2M per year. This estimate does not include associated business I/M stations might have received with the process of their I/M inspections such as windshield wiper, oil and air filter changes and other business. SEE is based on a comparison of the program currently in place.

Prepared by: Guadalupe Marroquin, Election & Budget Coord

Telephone: 343-4376

Reviewed by: Linda L. Heim, Deputy Municipal Clerk

Telephone: 343-4314

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

AO 2008-67

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

| | | | |
|----------|---|--|--|
| 1 | SUBJECT OF AGENDA DOCUMENT REPEALING AO 2007-122(S); REINSTATING AMC CHAPTERS 15.80 AND 15.85, RELATING TO MOTOR VEHICLE EMISSIONS INSPECTION AND MAINTENANCE (I/M) PROGRAM ... | DATE PREPARED 6/16/08 | |
| | | Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM | |
| 2 | DEPARTMENT NAME Assembly | DIRECTOR'S NAME Matt Claman, Assembly Chair | |
| | THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Julia Tucker, Assembly Counsel | HIS/HER PHONE NUMBER 343-4419 | |
| 4 | COORDINATED WITH AND REVIEWED BY | INITIALS | DATE |
| | Mayor | | |
| | Municipal Clerk | | |
| | Municipal Attorney | | |
| | Employee Relations | | |
| | Municipal Manager | | |
| | 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 | | |
| | Executive Manager | | |
| | Planning Department | | |
| | Chief Fiscal Officer | | |
| | Heritage Land Bank | | |
| | Information Technology Department | | |
| | Project Management & Engineering | | |
| | Purchasing | | |
| | Other | | |
| | | | |
| | | | |
| 5 | Special Instructions/Comments | | |
| | | | |
| | | | |
| | ADDENDUM - CONSENT AGENDA-INTRODUCTION | | |
| | | | |
| 6 | ASSEMBLY HEARING DATE REQUESTED 5/20/08 | 7 | PUBLIC HEARING DATE REQUESTED 6/10/08 |