

See AO2008-84(S)

Submitted by: ASSEMBLY CHAIR CLAMAN
Prepared by: Assembly Counsel
For reading: June 24, 2008

**ANCHORAGE, ALASKA
AO NO. 2008-84**

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REPEALING AO
2 2007-122(S) IN ITS ENTIRETY; REINSTATING AND AMENDING ANCHORAGE
3 MUNICIPAL CODE CHAPTERS 15.80 AND 15.85, AND SECTIONS 9.30.155 E.
4 AND 14.60.030, AND AMENDING TITLE 12 TO ADD A NEW CHAPTER, ALL
5 REGARDING PROCEDURES, FEES AND REQUIREMENTS FOR VEHICLE I/M
6 TESTING AND RELATED INSPECTIONS, LICENSING, REGISTRATION,
7 EXEMPTIONS, I/M PROGRAM CHANGES, AND FINES; AND ESTABLISHING
8 EFFECTIVE DATES.

9
10 THE ANCHORAGE ASSEMBLY ORDAINS:

11
12 **Section 1.** Assembly Ordinance No. 2007-122(S), passed and approved by the
13 Assembly on November 6, 2007, is repealed in its entirety.

14
15 **Section 2.** Anchorage Municipal Code chapter 15.80, Vehicle Inspection and
16 Maintenance Program, is reinstated.

17
18 **Section 3.** Anchorage Municipal Code chapter 15.85, Requirements,
19 Specifications, and Procedures for Motor Vehicle Emissions Inspection and
20 Maintenance (I/M) program, is reinstated.

21
22 **Section 4.** Anchorage Municipal Code subsection 9.30.155.E is reinstated to
23 read as follows:

24
25 **9.30.155** **Vehicle license plates and registration.**

26
27 *** **

28 E. A motor vehicle that is parked, stopped or left standing on a street or
29 private property open to the public for travel or parking, and does not
30 have current registration properly attached as required by subsection
31 A of this section, shall be considered prima facie to not have a
32 current emissions (I.M.) certification as specified in Section
33 15.80.010.

- 34
35 1. A citation issued under subsection E of this section, may be
36 dismissed by the parking authority if an I.M. inspection
37 certificate, dated prior to the date of the violation, is provided
38 within 30 days of the violation, and shall omit the scheduled

1 penalty for the offense. Additionally, if the registered owner
2 does not principally utilize and/or garage the vehicle within the
3 municipality and provides the parking authority with proof of
4 residency, shall omit the scheduled penalty for the offense.
5 Such dismissals shall not apply to any late penalties or
6 collection charges.
7

- 8 2. A motor vehicle ticketed for violating this section shall not be
9 ticketed at the same time for both I.M. and registration
10 violations.
11

12 (CAC 9.44.020; AO No. 78-72; AO No. 80-4; AO No. 85-40; AO No. 92-28;
13 AO No. 92-134(S); AO No. 94-68(S), § 16, 8-11-94; AO No. 95-6, § 4, 5-16-
14 95; AO No. 2003-152S, § 3, 1-1-04)
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16

17 **Section 5.** Anchorage Municipal Code section 14.60.030 is reinstated to read as
18 follows (*the remainder of the section is not affected and therefore not set out*):
19

20 **14.60.030 Fine schedule.**
21

22 The fine schedule under this chapter is as follows:
23 TABLE INSET:
24

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
15.80.050	A. NON RESOLUTION		75.00
	B. OTHER VIOLATION		Up to 300.00

25 *** **

26 (AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134,
27 § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-
28

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

17
18 **Section 6.** Anchorage Municipal Code section 15.80.010, General Provisions, is
19 amended to read as follows:

20
21 **15.80.010 General provisions.**

22
23 A. *Inspection and maintenance required.* Every motorist operating [OF
24 (SIC)] a vehicle registered, principally located or principally used
25 within the municipality shall have each such vehicle inspected and
26 maintained in accordance with the requirements specified in the I/M
27 program design as amended by AO 96-154, [AND] AO 99-160 and
28 AO 2008-84.

29
30 Note: Text of sections indexed available from the department of health and
31 human services.

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33 *** *** ***
34 (AO No. 84-110; AO No. 85-8; AO No. 87-27; AO No. 87-35; AO No. 88-
35 154(S); AO No. 88-184; AO No. 93-216(S), § 1, 2-15-94; AO No. 94-195, §
36 1, 10-25-94; AO No. 96-137(S), §§ 1--6, 1-2-97; Ord. No. 96-154, § 1, 1-2-
37 97; AO No. 99-160, § 1, 1-11-00; AO No. 2000-92, § 1, 8-15-00; AO No.
38 2003-44, § 1, 3-18-03; AO No. 2006-13, § 1, 2-14-06)

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

42
43 **Section 7.** Anchorage Municipal Code section 15.85.100, Summary, is
44 amended to read as follows (*portions of 15.85.100 are set out without amendment*)

1 for context only);

2
3 **15.85.100 Summary.**
4

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

17
18 B. Under the I/M program, owners or operators of non-exempt vehicles
19 are required to have their vehicles inspected for emissions problems
20 at least biennially, upon initial registration of a used vehicle in the
21 state, or upon change of ownership if the vehicle is not currently in
22 compliance. Vehicles must be I/M certified prior to the initial
23 registration or renewal of registration by the state department of
24 administration, division of motor vehicles (DMV).

25
26 *** **

27 (AO No. 99-160, § 7, 1-11-00)
28

29 **Section 8.** Anchorage Municipal Code section 15.85.220, Vehicles Requiring
30 Certificate of Inspection, is amended to read as follows (*portions of 15.85.220 are*
31 *set out without amendment for context only*):
32

33 **15.85.220 Vehicles requiring certificate of inspection.**
34

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

40 TABLE INSET:
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99501	99506	99511	99516	99521	99567
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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
- 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. Any vehicle not principally used or located in the municipality
2 and not certificated by the state;
- 3
- 4 3. Motorcycles, golf carts, ATV vehicles, snow machines, and
5 mopeds;
- 6
- 7 4. A model year 2004 or newer vehicle, except these vehicles
8 shall have their first I/M inspection when the current calendar
9 year equals the vehicle model year plus six [FOUR] years,
10 and subsequent inspections every two years thereafter.
- 11
- 12 5. All vehicles above 12,000 pounds unladen weight.
- 13
- 14 6. Vehicles that are not registered in the municipality and not
15 operated or located in the municipality for more than 30
16 cumulative days during the vehicle's registration period.
- 17
- 18 7. Any vehicle solely powered by electric battery.
- 19

20 *** *** ***
21 (AO No. 99-160, § 7, 1-11-00; AO No. 2000-92, § 5, 8-15-00; AO No. 2006-
22 13, § 5, 2-14-06)

23
24 **Section 9.** Anchorage Municipal Code section 15.85.390, Referee Facility, is
25 amended to read as follows: (*Subsections showing no amendment are set out for*
26 *context only.*)

27
28 **15.85.390 Referee facility; I/M program administrator evaluation.**

- 29
- 30 A. The I/M program administrator, shall provide a means to evaluate
31 requests for repair cost waivers, to resolve disputes between
32 motorists and repair stations, and to evaluate and determine whether
33 retrofitted engines meet I/M requirements. If sufficient funding is
34 available, the municipality may [SHALL] maintain and operate a
35 vehicle test facility, hereinafter referred to as the referee facility. The
36 referee facility may be operated directly or through a contractor.
- 37
- 38 1. The referee facility may [SHALL] be used to determine if a
39 repair cost waiver or other special waiver should be issued for
40 a vehicle, and to assist in the resolution of disputes between
41 motorists and certified I/M stations.
 - 42

1 2. The referee facility may [SHALL ALSO] be used to inspect
2 vehicles that have been rejected from testing at certified I/M
3 stations because of engine or fuel changes, and to provide
4 other services to the general public as delegated by the
5 program administrator. Subject to the approval of the program
6 administrator, the referee facility may charge a fee of up to
7 \$50.00 plus the cost of a certificate, if issued, for inspecting a
8 vehicle not previously inspected.
9

10 3. The facility may [SHALL] be equipped with instrumentation
11 and other equipment and supplies necessary to determine
12 whether a vehicle passes or fails an inspection test performed
13 in accordance with Section 15.85.600.
14

15 *** *** ***

16
17 B. *Repair cost waiver.* Upon referral by a certified I/M station, a
18 motorist may apply to the municipality or to the referee facility if it is
19 in operation, for approval of a repair cost waiver for a vehicle, subject
20 to the provisions of Section 15.85.240.B. Upon verification that all
21 applicable requirements have been met, the referee facility may be
22 used to [SHALL] approve a waiver and issue a certificate of
23 inspection for the vehicle. The [REFEREE FACILITY SHALL
24 MONITOR THE] yearly status of a vehicle receiving a repair cost
25 waiver shall be monitored until the vehicle is brought into full
26 compliance with I/M program requirements. The waiver is valid for
27 one inspection cycle.
28

29 *** *** ***

30 D. *Motorist-disputed test results.*
31

32 1. In the case of a dispute between a motorist and a certified I/M
33 station or certified I/M mechanic, the motorist should make an
34 appointment with the municipality or, if in operation, [TO
35 BRING A VEHICLE TO] the referee facility [FOR AN
36 EMISSION INSPECTION], to verify the results of an
37 inspection performed at a certified I/M station.
38

39 a. If the referee facility is unable to perform an inspection
40 on the vehicle, a special circumstances waiver may be
41 issued for the vehicle, as provided in Section
42 15.85.235.B.

1
2 b. No waiver shall be issued to a vehicle that is untestable
3 due to correctable defects such as a repairable water
4 pump, fuel leak, or noisy engine condition. The motorist
5 shall be required to repair such defects before the
6 referee inspects [FACILITY PERFORMS AN
7 EMISSION INSPECTION ON] the vehicle.

8 *** **

9 G. *Engine switching.*

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

15 *** **

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

35 *** **

36
37 H. *Engine modifications.*

38
39 1. Engine modifications, including the use of aftermarket parts,
40 are allowed provided that they are included on a list of
41 approved parts or engine modifications adopted by the
42 program administrator. A current copy of this list shall [WILL]

1 be kept available for public review at the I/M program
2 administration office. This list includes all modifications
3 approved for use by the CARB, except those deleted by the
4 program administrator due to cold temperature operational
5 issues.

6
7 2. Application for the approval of modifications not included on
8 the list can be made to CARB, subject to the approval of the
9 I/M program administrator.

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

21
22 *** *** ***
23 (AO No. 99-160, § 7, 1-11-00)

24
25 **Section 10.** Anchorage Municipal Code section 15.85.620, Preliminary Inspection
26 and Safety Check, is amended to read as follows:

27
28 **15.85.620 Preliminary inspection and safety check.**

29
30 *** *** ***
31 B. The owner or operator of the certified station, or a certified mechanic
32 employed by the station shall inform the motorist that an inspection is
33 not required for

- 34
35 1. A vehicle that is exempt under 15.85.220.B;
- 36
37 2. A vehicle with a registration renewal date more than 90 days
38 in the future [, EXCEPT FOR CHANGE OF OWNERSHIP];
39 and
- 40
41 3. A vehicle that does not require an I/M test unless requested
42 by the motorist or required by the I/M program administrator

because of a pending enforcement action.

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

- ***
- ***
- ***
- 5. A vehicle equipped with an engine other than the engine originally installed in the vehicle, except that:

[C. FOR A 1974 OR EARLIER MODEL YEAR VEHICLE WITH A DIFFERENT ENGINE, THAT VEHICLE MAY BE I/M-TESTED;]

(AO No. 99-160, § 7, 1-11-00; AO No. 2006-13, § 11, 2-14-06)

Section 11. Anchorage Municipal Code section 15.85.710, Visual and Functional Checks, is amended to read as follows:

15.85.710 Visual and functional checks.

- A. [1975 AND LATER] 1995 and older model-year vehicles for which emission inspections are specified under Section 15.85.720 shall be visually inspected to determine whether vehicles that were originally factory-equipped with the following ECS components have such components properly installed and unmodified:

- ***
- ***
- ***
- B. In addition, 1995 and older [1975 AND LATER] model-year vehicles for which emission inspections are specified under Section 15.85.720 shall be functionally checked to determine whether the following components are correctly operating on those vehicles that were originally factory-equipped with such components:

- ***
- ***
- ***

(AO No. 99-160, § 7, 1-11-00)

Section 12. The Department of Health and Human Services, through the I/M Administrator, shall submit approved amendments to the ADEC in accordance with applicable regulations of the Alaska Administrative Code.

Section 13. Sections 1 through 5, inclusive, and Section 12 of this ordinance shall become effective immediately upon passage and approval by the Assembly.

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.

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12 _____
Chair

13 ATTEST:

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17 _____
18 Municipal Clerk
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MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 440-2008

Meeting Date: June 24, 2008

1 **From:** Assembly Chair Matt Claman
2 **Subject:** **AO 2008-84 — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL**
3 **ASSEMBLY REPEALING AO 2007-122(S) IN ITS ENTIRETY;**
4 **REINSTATING AND AMENDING ANCHORAGE MUNICIPAL CODE**
5 **CHAPTERS 15.80 AND 15.85, AND SECTIONS 9.30.155 E. AND**
6 **14.60.030, AMENDING CHAPTER 12 ALL REGARDING PROCEDURES,**
7 **FEEES AND REQUIREMENTS FOR VEHICLE I/M TESTING AND RELATED**
8 **INSPECTIONS, LICENSING, REGISTRATION, EXEMPTIONS, I/M**
9 **PROGRAM CHANGES, AND FINES; AND ESTABLISHING EFFECTIVE**
10 **DATES.**

11
12 Introduction of AO 2008-67 on May 20, 2008, reinstating and amending the I/M
13 program, has fostered constructive community debate, and various alternative program
14 components have been suggested. The municipal department of health and human
15 services has been of great assistance in articulating some of the program changes that
16 should be considered by the Assembly.

17
18 AO 2008-67 is specific in text and title. An Assembly Work Session is scheduled for
19 July 11, 2008. So that other I/M program changes will not be precluded by ordinance
20 amendment due to ordinance title alone, AO 2008-84 is introduced in advance of the
21 Work Session. The text of AO 2008-67 is unchanged at this juncture, and only the title
22 has been restated under AO 2008-84 to allow a higher degree of flexibility as these
23 important issues to the community are considered.

24
25
26
27 Respectfully submitted:

28
29 Matt Claman
30 Assembly Member, Section 3
31

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

AO 2008-84

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED
	repealing AO 2007-122(S) in its entirety; reinstating and amending AMC Chapters 15.80 & 15.85, and Sections 9.30.155E. and 14.60.030, ... vehicle I/M testing	6/24/08
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM
2	DEPARTMENT NAME	DIRECTOR'S NAME
	Assembly	Matt Claman, Assembly Chair
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER
	Julia Tucker, Assembly Counsel	343-4419
4	COORDINATED WITH AND REVIEWED BY	INITIALS
	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	
	LAI D ON THE TABLE ITEM - CONSENT AGENDA-INTRODUCTION	
6	ASSEMBLY HEARING DATE REQUESTED	7
	6/24/08	
	PUBLIC HEARING DATE REQUESTED	
	7/15/08	

2008 JUN 24 PM 2:55
 CLAMAN'S OFFICE
 M.C.