

See AO 2009-71(S)

Submitted by: Chair of the Assembly at the  
Request of the Acting Mayor;  
Assemblymember Selkregg  
Prepared by: Department of Law  
For reading: May 26, 2009

**ANCHORAGE, ALASKA  
AO No. 2009-71**

**AN ORDINANCE REPEALING AND RE-ENACTING ANCHORAGE MUNICIPAL  
CODE CHAPTER 8.80 REGARDING FEES FOR EXCESSIVE POLICE  
RESPONSES.**

**WHEREAS**, Alaska Statute 29.35.125 authorizes municipalities to impose a fee on the owner of a residential property for excessive police responses to the property within a calendar year;

**WHEREAS**, the Anchorage Assembly passed an ordinance, AO 2002-144(S-1), under this authority enacting chapter 8.80 of the Anchorage Municipal Code;

**WHEREAS**, the Anchorage Police Department has successfully implemented the ordinance and succeeded in holding many residential property owners liable for excessive police responses or in effectuating appropriate corrective action; and

**WHEREAS**, the Assembly finds it is appropriate, equitable, and in the public interest to expand the scope of the ordinance to extend liability for excessive police responses to owners of all types of property within the municipality, and tenants of units where the number of police response are excessive; now therefore

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code chapter 8.80 is hereby repealed in its entirety. In accordance with AMC section 1.15.050 B., the complete existing text of the affected chapter is attached hereto as **Exhibit A**.

**Section 2.** Anchorage Municipal Code chapter 8.80 is re-enacted to read as follows:

**Chapter 8.80 FEES FOR EXCESSIVE POLICE RESPONSES**

- 8.80.010 Definitions.
- 8.80.020 Fee for excessive police response.
- 8.80.030 Notice to liable persons.
- 8.80.040 Appropriate corrective action.
- 8.80.050 Lien on property.
- 8.80.060 Appeal rights.

1  
2 **State law references:** Fees for police protection services, AS 29.35.125.  
3  
4

5 **8.80.010    Definitions.**  
6

7 As used in Chapter 8.80:  
8

9 *Commercial property* means an individual parcel, tract or lot shown on the  
10 most recent plat of record that is not a residential property.  
11

12 *Commercial unit* means an area within a commercial property that is readily  
13 identifiable by visual inspection as an area used by a single business or  
14 commercial enterprise.  
15

16 *Dwelling unit* means a structure or portion thereof providing independent and  
17 complete cooking, living, sleeping, and toilet facilities for a person or group of  
18 persons living as a single housekeeping unit.  
19

20 *Excessive police response* means:  
21

- 22       1. For a residential property, each police response in excess of  
23 eight to a dwelling unit in a calendar year.  
24  
25       2. For a commercial property, each police response in excess of  
26 100 to a commercial unit in a calendar year.  
27

28 *Mobile home* means a detached single dwelling unit fabricated at a factory and  
29 capable of being transported to location of use on its own chassis and wheels,  
30 identified by a model number and serial number by its manufacturer, and  
31 designed primarily for placement on a non-permanent foundation.  
32

33 *Mobile home park* means any parcel or adjacent parcels of land in the same  
34 ownership which are managed for occupancy by more than two mobile homes.  
35 The term does not include tourist facilities for travel trailers or campers.  
36

37 *Owner*, when used in reference to a property, means the record owner of the  
38 property as shown in the real property tax records of the municipality.  
39

40 *Person* means any individual, or any business or non-business association  
41 recognized by law, whether or not organized for profit.  
42

43 *Police response* means one or more police officers goes to a property in  
44 response to a call for assistance, a complaint, an emergency, a potential  
45 emergency, or a reasonable suspicion of unlawful activity witnessed by a  
46 police officer; however, the term "police response" does not include a  
47 response to:  
48

- 1            1.     Receipt of false information as defined in Section 8.30.050,  
2            unless the false information was provided by an occupant or  
3            owner of the property;
- 4            2.     A false alarm as defined in Section 8.40.010, unless the false  
5            alarm was caused, permitted or allowed by an occupant or  
6            owner of the property in violation of Section 8.40.020;
- 7            3.     A call involving potential child neglect, potential domestic  
8            violence as defined in AS 18.66.990, or potential stalking under  
9            AS 11.41.260 or 11.41.270;
- 10           4.     A report of a sexual assault as defined in AS 11.41.410 -.427; or
- 11           5.     A medical emergency for serious bodily injury or death.

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17     *Residential property* means an individual parcel, tract or lot shown on the most  
18     recent plat of record containing one or more dwelling units, or a mobile home.

19  
20     (AO No. 2002-144(S-1), § 1, 12-17-02)

21  
22  
23     **8.80.020     Fee for excessive police response.**

- 24
- 25     A.     Subject to subsection B., the owner of a property and the tenant of a  
26     unit thereon shall jointly pay the Municipality a fee of \$500.00 per  
27     excessive police response to the dwelling unit or commercial unit  
28     during a calendar year.
  - 29     B.     A person is exempt from liability for the fee established by  
30     subsection A. if:
    - 31           1.     The person is a federal, state, or local government agency;
    - 32           2.     The property or unit responded to is used exclusively for  
33           nonprofit religious, charitable, cemetery, hospital, or educational  
34           purposes;
    - 35           3.     The municipality has not provided notice to the person in writing  
36           as provided in Section 8.80.030; or
    - 37           4.     Any person has taken appropriate corrective action and given  
38           written notice to police of the action as required by Section  
39           8.80.040.
  - 40     C.     If a property has more than one owner, all owners shall be jointly liable,  
41     with the tenant, for any fee imposed under this section. Actual notice to  
42     one owner creates a rebuttable presumption of actual notice to all other  
43     owners.
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1 owners.

- 2
- 3 D. For residential property owned as a condominium, a fee based on
- 4 excessive police responses to a single dwelling unit shall be assessed
- 5 against the owner of the dwelling unit, jointly with the tenant.
- 6
- 7 E. A tenant shall not be liable for the fee if the tenant's conduct did not
- 8 require the police response and the tenant's right to possession
- 9 commenced on a date subsequent to the date of the first police
- 10 response that is counted for purposes of the fee imposed under this
- 11 chapter.
- 12
- 13 F. If the unit requiring excessive police responses is a mobile home
- 14 located in a mobile home park, the fee may not be imposed on the
- 15 owner or operator of the mobile home park, unless the owner's or
- 16 operator's conduct required the excessive police response. The fee
- 17 may be imposed jointly on the owner and tenant of the mobile home.
- 18
- 19 G. If a sergeant or higher ranking official of the police department
- 20 determines appropriate corrective action was taken with respect to a
- 21 specific unit, the count of police responses to the unit shall reset to
- 22 zero, effective the date of the determination. After resetting, all
- 23 provisions in this chapter referring to a "calendar year" shall mean
- 24 "remainder of the calendar year beginning from the date previous
- 25 corrective action was taken."
- 26
- 27 H. The fee may be collected in any lawful manner, including bringing an
- 28 action in court for a personal judgment against any one or more of the
- 29 persons liable.
- 30
- 31 I. An owner or tenant liable for a fee under this chapter may bring an
- 32 action in court against a person whose conduct required the excessive
- 33 police response to recover the amount of the fee and related costs. An
- 34 owner or tenant shall not be granted any extension of time or
- 35 continuance to pay the fee based on a pending action against a third
- 36 party.
- 37

38 (AO No. 2002-144(S-1), § 1, 12-17-02)

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41 **8.80.030 Notice to liable persons.**

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- 43 A. The municipality may notify the owner and tenant of a property in
- 44 writing when the number of police responses in the current calendar
- 45 year to a single dwelling unit or commercial unit in a property equals
- 46 the number in section 8.80.010 under "Excessive police responses" for
- 47 that type of property.
- 48

1 B. A notice under this section shall be given in a manner reasonably  
2 calculated, under all the circumstances, to provide actual notice to the  
3 person of the potential liability for the fee. At a minimum, the notice  
4 shall be sent by certified mail, return receipt requested, to the mailing  
5 address of the person as shown on the municipality's real property tax  
6 records. If the mailed notice is returned refused for signature by the  
7 recipient, actual notice shall be conclusively presumed on the date  
8 refused. If the mailed notice is returned unclaimed or undeliverable,  
9 the municipality shall accomplish notice by another method and attest  
10 to the date notice is accomplished by affidavit or in a police report.  
11 Notice may be accomplished by any lawful manner.

12  
13 C. The notice addressed to an owner or tenant shall:

- 14  
15 1. Identify the property that is the subject of the notice by street  
16 address and legal description, and, if the property has multiple  
17 units, identify the dwelling unit or commercial unit;  
18  
19 2. State the number of police responses in the calendar year to  
20 date and state additional police responses to the unit or property  
21 may result in imposition of fees under this chapter;  
22  
23 3. State the person shall be liable for a fee for each excessive  
24 police response to the property during the calendar year, unless,  
25 within 30 days, any person takes appropriate corrective action  
26 promptly and gives written notice to the Anchorage Police  
27 Department of the action taken;  
28  
29 4. State the amount of the fee per excessive police response; and  
30  
31 5. State the name and telephone number of a representative of the  
32 Anchorage Police Department to contact concerning the notice.

33  
34 (AO No. 2002-144(S-1), § 1, 12-17-02)

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37 **8.80.040** **Appropriate corrective action.**

38  
39 A. An owner or tenant of a property shall have 30 days from the date  
40 notice is accomplished, as required under section 8.80.030, to promptly  
41 take appropriate corrective action. Appropriate corrective action is  
42 action reasonably expected to correct the cause of the police  
43 responses to the property. Police officers holding the rank of sergeant  
44 or higher are authorized to determine whether corrective action is  
45 appropriate under the circumstances. The officer's determination shall  
46 be in writing and issued within five days of receipt of the person's  
47 written notice of the action taken. Should the officer determine the  
48 action taken is not appropriate corrective action, the officer shall

1 explain the reasons and the person shall have ten days from the date  
2 of the determination to take appropriate corrective action. The ten-day  
3 extension shall be provided only once in a calendar year for each unit  
4 receiving excessive police responses. Examples of appropriate  
5 corrective action, subject to a police officer's determination whether it is  
6 appropriate, may include, without limitation:

- 7
- 8 1. Written notice to quit under AS 09.45.100--09.45.110;
- 9
- 10 2. Eviction notice served on the tenant or lessee requiring vacation  
11 of the premises within thirty days or less;
- 12
- 13 3. Obtaining a restraining order, if appropriate;
- 14
- 15 4. Installation or implementation of new or additional security  
16 measures; or
- 17
- 18 5. Action recommended by the Anchorage Police Department in  
19 writing and implemented to the satisfaction of a police officer the  
20 rank of sergeant or higher.

21  
22 B. Appropriate corrective action does not include:

- 23
- 24 1. Relocating a tenant or lessee of a unit to a different unit on the  
25 same property, unless a police officer the rank of sergeant or  
26 higher determines the relocation is appropriate. If a person is  
27 relocated, the municipality may transfer the number of police  
28 responses from the former unit to the new unit.
- 29
- 30 2. Communicating only orally with the person causing the police  
31 responses.
- 32

33 C. No fee may be imposed for additional police responses to the unit that  
34 is the subject of the notice during the 30-day period allowed under  
35 subsection A. if any person takes appropriate corrective action and  
36 gives written notice to the Anchorage Police Department of the action  
37 taken during the 30-day period. There is a conclusive presumption that  
38 appropriate corrective action was taken if there are no additional police  
39 responses to the property from the end of the 30-day period until the  
40 earlier of:

- 41
- 42 1. The end of the calendar year; or
- 43
- 44 2. Ninety days.
- 45

46 (AO No. 2002-144(S-1), § 1, 12-17-02)

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48 **8.80.050**      **Lien on property.**

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- A. A fee imposed under Section 8.80.020 is a lien on the property to which there have been an excessive number of police responses.
  - B. The lien becomes effective upon the recording of a notice of the lien that:
    - 1. Describes the property that is the subject of the lien;
    - 2. States the amount of fees accrued at the time of recording;
    - 3. States the total amount secured by the lien is calculated at the end of the applicable calendar year; and
    - 4. States the lien has been recorded pursuant to this section.
  - C. When a notice of the lien has been recorded under subsection B., the lien has priority over all other liens except:
    - 1. Liens for property taxes, special assessments, and sales and use taxes;
    - 2. Liens perfected before the recording of the lien under this section; and
    - 3. Mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien under this section.

31 (AO No. 2002-144(S-1), § 1, 12-17-02)

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34 **8.80.060      Appeal rights.**

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36 A person determined liable for fees for excessive police responses under this  
37 chapter may, within thirty days of receiving a notice of imposition of fees, apply  
38 for a hearing on the determination. The application shall be in writing and filed  
39 with the chief of police. The hearing shall be held within fifteen days of  
40 receiving a timely application before the chief of police or his designee and  
41 conducted pursuant to chapter 3.60. The hearing shall be limited to the issue  
42 of whether the person is liable for each fee imposed under this chapter, as  
43 found by the police department. Within 30 days of the written decision of the  
44 chief of police, a person aggrieved by the decision may appeal to the Superior  
45 Court of the Third Judicial District in Anchorage, in accordance with the Alaska  
46 Rules of Appellate Procedure.  
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**Section 3.** This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Chair of the Assembly

ATTEST:

\_\_\_\_\_  
Municipal Clerk



**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2009-71

Title: **AN ORDINANCE REPEALING AND RE-ENACTING ANCHORAGE  
MUNICIPAL CODE CHAPTER 8.80 REGARDING FEES FOR EXCESSIVE  
POLICE RESPONSES.**

Sponsor: ACTING MAYOR  
Preparing Agency: Department of Law  
Others Impacted: Anchorage Police Department

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>	(In Thousands of Dollars)				
	<u>FY09</u>	<u>FY10</u>	<u>FY11</u>	<u>FY12</u>	<u>FY13</u>
<b>Operating Expenditures</b>					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
<b>TOTAL DIRECT COSTS:</b>	\$ -	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
<b>FUNCTION COST:</b>	\$ -	\$ -	\$ -	\$ -	\$ -
<b>REVENUES:</b>					
<b>CAPITAL:</b>					
<b>POSITIONS: FT/PT and Temp</b>					

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Serving notice, tracking police responses, and enforcing the fee liability all require APD resources. However, the impact is difficult to quantify and may not require any additional expenditures if resources are reallocated within the department. The amount of revenue is also difficult to estimate because the program is new and commercial property owners may avoid the fees by taking corrective action. There may or may not be revenue attached to this code amendment.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

If there are excessive police calls to a property, the private owner may become liable for fees of \$500.00 per excessive police response in a calendar year or incur costs to implement appropriate corrective measures to avoid the fee liability. Tenants are jointly liable with owners for the fee.

Prepared by: Dept. of Law

Telephone: 343-4545

MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEMORANDUM

No. AM 311-2009

Meeting Date: May 26, 2009

1 **From: ACTING MAYOR**

2  
3 **Subject: AN ORDINANCE REPEALING AND RE-ENACTING ANCHORAGE**  
4 **MUNICIPAL CODE CHAPTER 8.80 REGARDING FEES FOR**  
5 **EXCESSIVE POLICE RESPONSES.**  
6

7 Currently, Anchorage Municipal Code chapter 8.80 imposes a fee for each  
8 excessive police response to a residential property or dwelling unit. Since  
9 implementing a program to enforce the chapter, the Anchorage Police Department  
10 has successfully collected thousands of dollars in fees and some rental property  
11 owners have taken corrective action to address the causes of frequent police call  
12 outs, including eviction of many problem tenants in the city. The authorizing statute,  
13 AS 29.35.125, and the current code provisions are limited to residential properties.

14  
15 This ordinance extends liability for fees for excessive police responses to all other  
16 properties in the municipality, with some exceptions. In addition, the ordinance  
17 holds tenants liable for the fee for an excessive police response jointly with the  
18 property owner. In addition to those already listed, the ordinance also excludes two  
19 more specific types of calls for assistance from the count of police responses for a  
20 property: Responses to any sexual assaults and calls for medical assistance  
21 involving serious bodily injury or death; property owners should not be discouraged  
22 from calling police for these circumstances.

23  
24 In addition, the ordinance provides a better definition of "appropriate corrective  
25 action" and authorizes police officers of the rank sergeant or higher with some  
26 discretion to determine whether property owners have taken action sufficient to  
27 release them from liability for the fees. Finally, the ordinance rewrites the chapter  
28 for clarity and efficiency.

29  
30 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**  
31 **REPEALING AND RE-ENACTING ANCHORAGE MUNICIPAL CODE CHAPTER**  
32 **8.80 REGARDING FEES FOR EXCESSIVE POLICE RESPONSES.**

33  
34 Prepared by: Department of Law  
35 Approved by: Rob Heun, Chief of Police  
36 Concur: James N. Reeves, Municipal Attorney  
37 Concur: Michael K. Abbott, Municipal Manager  
38 Respectfully submitted: Matthew W. Claman, Acting Mayor  
39

## **Chapter 8.80      FEE FOR POLICE PROTECTION SERVICES**

- 8.80.010 Definitions; interpretation.
- 8.80.020 Fee for police protection services.
- 8.80.030 Notice to property owner.
- 8.80.040 Corrective action.
- 8.80.050 Lien on property.

### **8.80.10      Definitions; interpretation.**

As used in Chapter 8.80:

*Dwelling unit* means a structure or portion thereof providing independent and complete cooking, living, sleeping, and toilet facilities for a group of persons living as a single housekeeping unit.

*Excessive police response* means each police response in excess of eight to a single dwelling unit in a residential property.

*Mobile home* means a detached single dwelling unit fabricated at a factory and capable of being transported to location of use on its own chassis and wheels, identified by a model number and serial number by its manufacturer, and designed primarily for placement on an impermanent foundation.

*Owner*, when used in reference to a residential property, means the record owner or owners of the residential property as shown in the real property records.

*Police response* means that one or more police officers goes to a residential property in response to a call for assistance, a complaint, an emergency or a potential emergency; provided that the term "police response" does not include a response to:

1. Receipt of false information as defined in Section 8.30.050, unless the false information was provided by an occupant or owner of the residential property;
2. A false alarm as defined in Section 8.40.010, unless the false alarm was caused, permitted or allowed by an occupant or owner of the residential property in violation of Section 8.40.020; or
3. A call involving potential child neglect, potential domestic violence as defined in AS 18.66.990, or potential stalking under AS 11.41.260 or 11.41.270.

*Residential property* means a parcel, tract or lot shown as an individual unit on the most recent plat of record that contains one or more dwelling units, and a mobile home.

(AO No. 2002-144(S-1), § 1, 12-17-02)

**8.80.020 Fee for police protection services.**

- A. Subject to subsection B, the owner of a residential property shall pay the Municipality a fee of \$500.00 per excessive police response to the residential property during a calendar year.
- B. The owner of a residential property shall be liable for the fee established by subsection A only if:
  - 1. The municipality has notified the owner in writing as provided in Section 8.80.030 that the fee will apply to any excessive police responses to the residential property during the calendar year;
  - 2. The time allowed for appropriate corrective action under Section 8.80.040 has expired; and
  - 3. The owner has not taken appropriate corrective action as required by Section 8.80.040
- C. If a residential property has more than one owner, all owners shall be jointly and severally liable for any fee imposed under this section.
- D. For residential property owned as a condominium, a fee based on excessive police responses to a single dwelling unit shall be assessed against the owner of the dwelling unit.

(AO No. 2002-144(S-1), § 1, 12-17-02)

**State law references:** Fees for police protection services, AS 29.35.125.

**8.80.030 Notice to property owner.**

- A. The municipality may notify the owner of a residential property in writing when there have been eight police responses in the current calendar year to a single dwelling unit in the residential property.
- B. A notice under this section shall be given in a manner that is reasonably calculated to provide actual notice to the owner of the residential property. At a minimum, the notice shall be sent by certified mail, return receipt requested, to the mailing address of the owner as shown on the municipality's real property tax records, and if the residential property has a different street address, to that street address. The municipality also shall give notice by certified mail, return receipt requested at another address where it appears more likely that the owner will receive actual

notice at that address. Such other address may include, without limitation, an address identified from the telephone directory, public records, or prior police contacts with the residential property or the owner. The notice also shall be posted at the principal entrance to the residential property.

C. The notice shall:

1. Identify the residential property that is the subject of the notice by street address and legal description, and identify the dwelling unit to which the police responses have been made if there is more than one dwelling unit in the residential property;
2. State that there have been eight police responses to a dwelling unit in the residential property during the current calendar year;
3. State that if the owner does not take appropriate corrective action, the owner will be liable for a fee for each excessive police response to the residential property during the calendar year;
4. State the amount of the fee per excessive police response to the residential property; and
5. State the name and telephone number of a representative of the municipality to contact concerning the notice.

(AO No. 2002-144(S-1), § 1, 12-17-02)

**8.80.040 Corrective action.**

- A. An owner of a residential property shall have 30 days from the date of mailing of the notice required under Section 8.80.030 to promptly take appropriate corrective action in response to the notice. Appropriate corrective action shall be action that reasonably would be expected to correct the cause of the police responses to the residential property, and may include, without limitation, written notice to quit under AS 09.45.100--09.45.110.
- B. There shall be no fee for additional police responses to the residential property that is the subject of the notice during the 30-day period allowed under subsection A if the owner takes appropriate corrective action during the 30-day period. The owner shall be considered to have taken appropriate corrective action if there are no additional police responses to the residential property from the end of the 30-day period until the earlier of the (i) end of the calendar year, or (ii) the date 90 days after the end of the 30-day period allowed under subsection A.

(AO No. 2002-144(S-1), § 1, 12-17-02)

**8.80.050 Lien on property.**

- A. A fee imposed under Section 8.80.020 is a lien on the residential property to which there have been an excessive number of police responses.
- B. The lien becomes effective upon the recording of a notice of the lien that describes the residential property that is the subject of the lien, states the amount of fees for which the lien has been recorded, and states that the lien has been recorded pursuant to this section.
- C. When notice of a lien has been recorded under subsection B of this section, the lien has priority over all other liens except:
  - 1. Liens for property taxes, special assessments, and sales and use taxes;
  - 2. Liens that were perfected before the recording of the lien under this section; and
  - 3. Mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien under this section.

(AO No. 2002-144(S-1), § 1, 12-17-02)

**Content ID:** 007752

**Type:** Ordinance - AO

AN ORDINANCE REPEALING AND RE-ENACTING ANCHORAGE

**Title:** MUNICIPAL CODE CHAPTER 8.80 REGARDING FEES FOR EXCESSIVE POLICE RESPONSES

**Author:** smiko

**Initiating Dept:** APD

**Description:** Repeal & Reenact Chapter 8.80 Excessive Police Calls for Service

**Date Prepared:** 5/19/09 4:12 PM

**Assembly Meeting Date:** 5/26/09

**Public Hearing Date:** 6/9/09

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
Clerk_Admin_SubWorkflow	5/20/09 11:16 AM	Exit	Joy Maglaqui	Public	007752
MuniMgrCoord_SubWorkflow	5/20/09 11:16 AM	Approve	Joy Maglaqui	Public	007752
MuniManager_SubWorkflow	5/20/09 11:16 AM	Approve	Joy Maglaqui	Public	007752
Legal_SubWorkflow	5/20/09 10:38 AM	Approve	Rhonda Westover	Public	007752
Finance_SubWorkflow	5/20/09 10:17 AM	Approve	Sharon Weddleton	Public	007752
OMB_SubWorkflow	5/19/09 4:32 PM	Approve	Bruce Holmes	Public	007752
APD_SubWorkflow	5/19/09 4:21 PM	Approve	Rob Heun	Public	007752
AllOrdinanceWorkflow	5/19/09 4:14 PM	Checkin	Stephen Miko	Public	007752





Submitted by: ASSEMBLY MEMBER  
COFFEY  
Prepared by: Dept. of Law  
For reading: September 15, 2009

REV FLOOR AMENDMENT TO AO 2009-71 Fees for excessive police responses.

**Amendment #1.** Section #2, page 3, line #15, AMC 8.80.010, Definitions, is amended as follows:

**8.80.010 Definitions.**

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

*Police response* means one or more police officers goes to a property in response to a call for assistance, a complaint, an emergency, a potential emergency, or a reasonable suspicion of unlawful activity witnessed by a police officer; however, the term "police response" does not include a response to:

1. Receipt of false information as defined in Section 8.30.050, unless the false information was provided by an occupant or owner of the property;
2. A false alarm as defined in Section 8.40.010, unless the false alarm was caused, permitted or allowed by an occupant or owner of the property in violation of Section 8.40.020;
3. A call involving potential child neglect, potential domestic violence as defined in AS 18.66.990, or potential stalking under AS 11.41.260 or 11.41.270;
4. A report of a sexual assault as defined in AS 11.41.410 -.427; [or]
5. A medical emergency for serious bodily injury or death;
6. A call from the tenant or owner of commercial property used as a retail store for police assistance with:
  - a. Theft or attempted theft from the retailer;
  - b. A report of the presence or identification of a person under state or federal warrant; or
  - c. Law enforcement matters unrelated to the operation of the licensed premises.

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7. A call from the tenant or owner of commercial property used as a licensed premises under authorization of the Alcoholic Beverage Control Board, for police assistance with law enforcement matters including:

- a. A minor seeking unlawful admittance or service;
- b. An inebriated person seeking admittance or service;
- c. A report of the presence or identification of a person under state or federal warrant; or
- d. Law enforcement matters unrelated to the operation of the licensed premises.

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(AO No. 2002-144(S-1), § 1, 12-17-02)

**Amendment #2.** Section #2, page 3, line #45, AMC 8.80.020, Fee for excessive police response, is amended as follows:

**8.80.020            Fee for excessive police response.**

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B. A person is exempt from liability for the fee established by subsection A. if:

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

5. The owner or tenant of the commercial property or unit responded to has entered a current written agreement with the Anchorage Police Department to actively participate in a public safety committee of a local community council established under chapter 2.40, or in an approved plan to deal with criminal matters or participate in other public safety activities in the area.

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Respectfully submitted,

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Dan Coffey, Assembly Member