

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Dept. of Public  
Transportation  
For reading: September 29, 2009

CLERK'S OFFICE  
APPROVED

Date:

10-13-09

ANCHORAGE, ALASKA

AO No. 2009-112

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS  
2 11.70.020, 11.70.030 AND 11.70.040 REGARDING PROHIBITED ACTS  
3 ABOARD A PUBLIC TRANSPORTATION VEHICLE AND AMENDING  
4 ANCHORAGE MUNICIPAL CODE SECTION 14.60.030 REGARDING  
5 PENALTIES FOR VIOLATIONS THEREOF.  
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8 THE ANCHORAGE ASSEMBLY ORDAINS:  
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10 **Section 1.** Anchorage Municipal Code section 11.70.020 is amended to read as  
11 follows:  
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13 **11.70.020 Definitions.**  
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15 For purposes of this chapter:  
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17 [*CONCEALED WEAPON* MEANS ANY WEAPON AS IDENTIFIED IN ANCHORAGE  
18 MUNICIPAL CODE SECTION 8.25.020.]  
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20 *Passenger vehicle* means any vehicle provided, used, or under contract to  
21 transport passengers by the municipality's public transportation system.  
22

23 *Service animal* means any guide dog, signal dog, or other animal  
24 individually trained to do work or perform tasks for the benefit of [PROVIDE  
25 ASSISTANCE TO] an individual with a disability as defined in 28 CFR 36.104.  
26

27 *Small animal* means an animal, including a mammal, insect, bird, fish, or  
28 reptile that may be carried on to a passenger vehicle by one person and will  
29 fit on the lap of the passenger.  
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31 (AO No. 2000-127(S); §1, 10-14-00)  
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33 **Section 2.** Anchorage Municipal Code section 11.70.030 is amended to read as  
34 follows:  
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36 **11.70.030 Prohibited Acts.**  
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38 A. It is unlawful for any person while aboard a passenger vehicle which  
39 is transporting passengers in regular route service within the limits of  
40 the Municipality of Anchorage to:  
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- 1 1. Smoke, consume, or use a lighted or smoldering pipe, cigar,  
2 cigarette or any other tobacco product;
- 3
- 4 2. Drink or consume alcohol or transport open alcohol  
5 containers [RESERVED];
- 6
- 7 3. Disturb or harass other passengers [SPIT];
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- 9 4. Discard, dispose, place, throw, or drop any litter, food or drink  
10 in or from a passenger vehicle, except into receptacles  
11 designated for that purpose;
- 12
- 13 5. Play any radio, MP3 player, boom box, cassette recorder,  
14 musical instrument or other such device, unless it is  
15 connected to an earphone that limits the sound to the  
16 individual user;
- 17
- 18 6. Carry any [FLAMMABLE OR COMBUSTIBLE LIQUIDS,] live animals  
19 [EXPLOSIVES, ACIDS OR ANY OTHER ITEM INHERENTLY DANGEROUS  
20 OF OFFENSIVE TO OTHERS,] except [FOR]:
  - 21
  - 22 a. Properly contained small animals; or
  - 23 b. A service animal [PROPERLY HARNESSSED OR ON A LEASH  
24 (BUT NEED NOT BE MUZZLED) AND] accompanied by a  
25 passenger with a disability or a trainer;
  - 26
- 27 7. Stand in front of the white/yellow line marked on the forward  
28 end of the floor of any passenger vehicle or otherwise  
29 conduct himself/herself in such a manner as to obstruct the  
30 vision of the passenger vehicle operator;
- 31
- 32 8. Knowingly fail or refuse to pay the applicable fare for  
33 transportation on the passenger vehicle in cash, passes or  
34 tokens in the required manner;
- 35
- 36 9. Present a pass, badge [TRANSFER,] or other fare medium  
37 when the person presenting such fare knows that the pass,  
38 [TRANSFER,] badge or other fare medium is not valid;
- 39
- 40 10. Violate indecent exposure or exhibition laws as defined in  
41 section 8.10.080; [CARRY A CONCEALED WEAPON IN VIOLATION OF  
42 AMC 8.25.020;]
- 43
- 44 11. Willfully obstruct, impede, hinder, interfere with or otherwise  
45 disrupt the safe and efficient operation of the passenger  
46 vehicle or any passenger vehicle operator [DRIVER] in the  
47 performance of his/her duties;
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- 49 12. Distribute handbills or flyers on any topic or solicit or

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panhandle from passengers; [KNOWINGLY CAUSE THE DOORS OF ANY PASSENGER VEHICLE TO OPEN BY ACTIVATING A SAFETY DEVICE DESIGNED TO ALLOW EMERGENCY EVACUATION OF PASSENGERS. IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE PERSON CHARGED BELIEVED, IN GOOD FAITH, THE ACTION WAS NECESSARY TO PROTECT PEOPLE FROM INJURY OR DEATH;]

13. Use abusive language, insulting threats, or any other type of obscenity or physical abuse upon a passenger vehicle operator or another passenger [IN A MANNER WHICH JEOPARDIZES THE SAFE OPERATION OF THE VEHICLE];

14. Vandalize or destroy any portion of a passenger vehicle [REFUSE TO LEAVE A PASSENGER VEHICLE AT THE REQUEST OF A PASSENGER VEHICLE OPERATOR AFTER VIOLATING THIS SECTION];

15. Deposit bodily fluids such as spit, urine, feces, vomit or blood in a passenger vehicle [FAIL TO VACATE SEATS RESERVED ON A PASSENGER VEHICLE FOR THE DISABLED OR THOSE QUALIFIED FOR SENIOR CITIZEN FARES WHEN REQUESTED TO DO SO BY A POLICE OFFICER OR A PUBLIC TRANSPORTATION DEPARTMENT EMPLOYEE];

16. Carry any flammable or combustible liquids, explosives, acids or any other item inherently dangerous or offense to others;

17. Conduct cell phone conversations on speaker phone;

18. Refuse to leave a passenger vehicle at the request of a passenger vehicle operator after violating this section.

(AO No. 2000-127(S), §1, 10-14-00)

**Section 3.** Anchorage Municipal Code section 11.70.040 is amended to read as follows:

**11.70.040    Penalty.**

Any person violating the provisions of this chapter shall be subject to a fine of not less than \$10.00 and no greater than \$50.00 as follows:

TABLE INSET:

Violation	Short Title	Fine
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11.70.030 A.1. 11.70.040 A.2.	Smoke or consume tobacco <u>or alcoholic beverages; open container</u>	\$25.00
11.70.030 A.15 [3].	<u>Bodily fluid</u> [SPIT]	25.00
11.70.030 A.4. 11.70.030 A.12.	Litter; <u>distribute handbills or flyers</u>	10.00
11.70.030 A.5. 11.70.030 A.17.	Loud music; <u>use cell phone on speaker phone</u>	10.00
11.70.030 A.6. 11.70.030 A.10. 11.70.030 A.16.	Carry prohibited item, or animal; <u>violate indecent exposure or exhibition laws</u>	50.00
11.70.030 A.7.	Stand in front of [WHITE] <u>forward</u> line	25.00
11.70.030 A.8. 11.70.030 A.9.	Evade fare; <u>board with invalid pass</u>	50.00
[11.70.030 A.9.	BOARD WITH INVALID PASS OR TRANSFER	50.00]
11.70.030 A.3. 11.70.030 A.11. 11.70.030 A.12. 11.70.030 A.13. 11.70.030 A.14.	<u>Disturb or harass other passengers; vandalize; solicit or panhandle; [STOP] obstruct, interfere or impede operation; use abusive language or physical abuse</u>	50.00
11.70.030 A.18. [14]	Refuse to leave [PASSENGER VEHICLE]	50.00
[11.70.030 A.15.	FAIL TO VACATE SEAT RESERVED FOR THE DISABLED/ELDERLY	50.00]

(AO No. 2000-127(s); §1, 10-14-00)

**Section 4.** Anchorage Municipal Code section 14.60.030 is amended to delete references to chapter 11.70 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:

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[11.70.030 A.1.	SMOKE OR CONSUME TOBACCO	25.00]
[11.70.030 A.3.	SPIT	25.00]
[11.70.030 A.4.	LITTER	10.00]
[11.70.030 A.5.	LOUD MUSIC	10.00]
[11.70.030 A.6. 11.70.030 A.10.	CARRY PROHIBITED ITEM OR ANIMAL	50.00 ]
[11.70.030 A.7.	STAND IN FRONT OF WHITE FORWARD LINE	25.00]
[11.70.030 A.8.	EVADE FARE	50.00]
[11.70.030 A.9.	BOARD WITH INVALID PASS OR TRANSFER	50.00]
[11.70.030 A.11. 11.70.030 A.12. 11.70.030 A.13.	STOP, INTERFERE OR IMPEDE OPERATION	50.00]
[11.70.030 A.14.	REFUSE TO LEAVE PASSENGER VEHICLE	50.00 ]
[11.70.030 A.15.	FAIL TO VACATE SEAT RESERVED FOR THE DISABLED/ELDERLY	50.00]

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

1 No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80,  
2 § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07;  
3 AO No. 2007-70, § 3, 5-15-07)  
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6 **Section 5.** This ordinance shall be effective immediately upon passage and  
7 approval by the Assembly.  
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10 PASSED AND APPROVED by the Anchorage Assembly this 13<sup>th</sup> day of  
11 October, 2009.  
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16 Chair of the Assembly  
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19 ATTEST:

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22 \_\_\_\_\_  
23 Municipal Clerk  
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**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2009-112

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 11.70.020, 11.70.030 AND 11.70.040 REGARDING PROHIBITED ACTS ABOARD A PASSENGER VEHICLE AND AMENDING ANCHORAGE MUNICIPAL CODE SECTION 14.60.030 TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

Sponsor: MAYOR  
 Preparing Agency: Public Transportation Department  
 Others Impacted:

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>		(In Thousands of Dollars)				
	FY09	FY10	FY11	FY12	FY13	
<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:**

This is a rewrite of an existing ordinance and will not change costs, revenue, capital or personnel requirements.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

This is a rewrite of an existing ordinance and will not have an appreciable impact on the private sector.

Prepared by: Alton Staff, Planning Manager

Telephone: 343-8230



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

AM No. 527-2009

Meeting Date: September 20, 2009

**From: MAYOR**

**Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 11.70.020, 11.70.030 AND 11.70.040 REGARDING PROHIBITED ACTS ABOARD A PUBLIC TRANSPORTATION VEHICLE AND AMENDING ANCHORAGE MUNICIPAL CODE SECTION 14.60.030 REGARDING PENALTIES FOR VIOLATIONS THEREOF.**

This ordinance amends the Anchorage Municipal Code to update and clarify the prohibited acts of passengers on the Public Transportation Department buses, comply with the Americans with Disabilities Act (ADA) and update fines associated with prohibited acts.

The updated list of prohibited acts includes:

- Smoking
- Drinking Alcohol
- Disturbing others
- Littering
- Transporting Animals
- Obstructing operator view
- Refusing to pay fare
- Indecent exposure
- Impeding the operator
- Distributing handbills
- Abusive language
- Vandalism
- Deposit of body fluids
- Carrying dangerous items
- Refusal to leave

Approval of this ordinance empowers and assists Bus Operators and Public Transportation Management provide a safe and comfortable transit experience for the citizens of Anchorage.

This ordinance also amends the definition of a service animal to meet the definition contained in the ADA and removes failing to vacate a seat for a person with a disability from the prohibited acts, which may in some circumstances, violate ADA.



1 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**  
2 **AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 11.70.020,**  
3 **11.70.030 AND 11.70.040 REGARDING PROHIBITED ACTS ABOARD A**  
4 **PUBLIC TRANSPORTATION VEHICLE AND AMENDING ANCHORAGE**  
5 **MUNICIPAL CODE SECTION 14.60.030 REGARDING PENALTIES FOR**  
6 **VIOLATIONS THEREOF.**

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8  
9 Prepared by: Alton R. Staff, Planning Manager, People Mover  
10 Approved by: Jody Karcz, Director  
11 Public Transportation Department  
12 Concur: Dennis A. Wheeler, Municipal Attorney  
13 Concur: Lucinda M. Mahoney, Chief Financial Officer  
14 Concur: George J. Vakalis, Municipal Manager  
15 Respectfully submitted: Daniel A. Sullivan, Mayor  
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**Content ID:** 008137

**Type:** Ordinance - AO

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 11.70.020, 11.70.030 AND 11.70.040 REGARDING PROHIBITED ACTS

**Title:** ABOARD A PUBLIC TRANSPORTATION VEHICLE AND AMENDING ANCHORAGE MUNICIPAL CODE SECTION 14.60.030 REGARDING PENALTIES FOR VIOLATIONS THEREOF.

**Author:** alatervojh

**Initiating Dept:** Transit

**Date Prepared:** 9/15/09 8:46 AM

**Director Name:** Jody M. Karcz

**Assembly Meeting Date :** 9/29/09

**Public Hearing Date:** 10/13/09

<b>Workflow Name</b>	<b>Action Date</b>	<b>Action</b>	<b>User</b>	<b>Security Group</b>	<b>Content ID</b>
Clerk_Admin_SubWorkflow	9/18/09 4:02 PM	Exit	Joy Maglaqui	Public	008137
MuniManager_SubWorkflow	9/18/09 4:02 PM	Approve	Joy Maglaqui	Public	008137
Legal_SubWorkflow	9/17/09 4:45 PM	Approve	Rhonda Westover	Public	008137
Finance_SubWorkflow	9/17/09 11:53 AM	Approve	Lucinda Mahoney	Public	008137
OMB_SubWorkflow	9/15/09 10:38 AM	Approve	Cheryl Frasca	Public	008137
Transit_SubWorkflow	9/15/09 9:07 AM	Approve	Jody Karcz	Public	008137
AllOrdinanceWorkflow	9/15/09 8:50 AM	Checkin	Jouni Alatervo	Public	008137