

Submitted by: Chair of the Assembly
At the Request of the Mayor

Prepared by: Dept. of Law
For reading: April 20, 2010

CLERK'S OFFICE
AMENDED AND APPROVED

Date: 5-11-10

ANCHORAGE, ALASKA
AO No. 2010-39

1 **AN ORDINANCE AMENDING CHAPTER 24.80 TO ADD A NEW SECTION**
2 **24.80.015 TO ESTABLISH A STREET SOLICITATION PERMIT AND AMENDING**
3 **SECTION 14.60.030, FINE SCHEDULE.**
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5
6 **WHEREAS**, the Municipality of Anchorage has a legitimate interest in promoting the
7 safety, welfare, and convenience of visitors and citizens of Anchorage on streets,
8 sidewalks and public places, and ensuring the free flow of pedestrian and vehicular
9 traffic without unreasonable disruption; and

10
11 **WHEREAS**, the Anchorage Assembly finds the downtown central business district
12 area is vital to the local economy and a significant hub for the tourist industry of the
13 state, and panhandling, street soliciting, and interference with pedestrian and
14 vehicular traffic in the downtown central business district particularly, and throughout
15 the city in general, has had a detrimental effect on tourism; and

16
17 **WHEREAS**, the Anchorage Assembly finds it is currently illegal to solicit in the
18 'traveled way', and unregulated panhandling and soliciting contributions from
19 occupants of motor vehicles on streets and highways in the city has resulting
20 secondary effects of promoting and supporting vagrancy, alcoholism, littering, and
21 increased hazards to pedestrian and traffic safety; and

22
23 **WHEREAS**, the Anchorage Assembly finds these code amendments provide a
24 reasonable means of regulating panhandling within the Municipality, will reduce
25 nuisance activities and deter crime, improve aesthetics and traffic safety, and
26 enhance the public safety, welfare and convenience for citizens and visitors; now
27 therefore,

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29 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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31 **Section 1.** Anchorage Municipal Code chapter 24.80 is amended by adding a new
32 section 24.80.015 to read as follows:

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34 **24.80.015 Street solicitation permit.**

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36 A. An application for a street solicitation permit shall be approved by the
37 Right-of-Way Division of Development Services, with concurrence from
38 the Traffic Department.

39
40 1. ~~An application for a solicitation permit under Title 10 is also~~
41 ~~required, and shall be approved by the Municipal Clerk's office.~~

(There is no fee for a solicitation permit under Title 10.)

B. *Definitions.* The following definitions apply in this section:

1. *Department* means the Right-of-Way Division of the Department of Development Services.
2. *Director* means the Right-of-Way supervisor of the Department of Development Services.
3. *Official Streets & Highways Plan* means the plan by that name in subsection 21.05.030E.1. as currently adopted or as it may be amended in the future.
4. *Solicitor site* means an intersection of a street, as defined herein, and another street, or local road to commercial or industrial property, where such intersection is equipped with official traffic control lights or signs, plus one hundred feet of each intersecting street or local road in each direction from the intersection, and the sidewalk areas adjacent to the intersection and the 100-foot extended area.
5. *Street* means any street or highway categorized as a collector street or higher designation on the Official Streets & Highways Plan, and includes the gutters, medians and all areas between opposing curbs or shoulders on either side.
6. *Street solicitation* means entering or reaching into any area of a street to give to, or receive from, a motor vehicle occupant currency, handbills, food, goods or any other item when the vehicle is stopped in compliance with a traffic control device.

C. *Prohibited conduct.* It is unlawful for any person to conduct a street solicitation unless:

1. A current street solicitation permit is issued from the department pursuant to this section; and
- ~~2. A current solicitation permit issued by the Municipal Clerk's office pursuant to Title 10.~~
3. No conduct under a street solicitation permit shall be in violation of section 8.75.170, prohibited panhandling.

D. *Permit requirements.* A permittee shall:

1. Pay a fee of \$250.00 per event.
2. Approach an occupant of a motor vehicle to consummate a

1 street solicitation only immediately after the occupant has
2 indicated by words or conduct the occupant wishes to give or
3 receive a donation or any item.

4
5 3. Not approach an occupant of a motor vehicle on a street when
6 vehicular traffic is in motion on that street.

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8 4. Not solicit on a street or at a site conduct except as listed on the
9 street solicitation permit.

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11 5. Not conduct street solicitation after sunset and before sunrise.

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13 6. Comply with all conditions imposed under subsection E.2.

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15 E. *Permit application, conditions and issuance.* The department shall
16 issue a street solicitation permit for the use of any street for the
17 purpose of street solicitation activities upon receiving an application
18 satisfying all requirements herein and a finding by the director that the
19 manner of soliciting described in the application does not unreasonably
20 interfere with pedestrian or vehicular traffic. The director shall issue
21 one permit for each event, and a copy shall be available at each site.

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23 1. An applicant for a street solicitation permit shall submit to the
24 department:

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26 a. A completed application on a form supplied by the
27 department listing the streets and solicitor sites on which
28 the applicant will operate;

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30 b. A statement describing any signs, stands, and equipment
31 the permittee will use;

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33 c. A signed statement acknowledging the permit conditions
34 and restrictions; and

35
36 d. Proof of insurance or a bond as required by
37 subsection F.

38
39 2. A street solicitation permit shall include the following conditions
40 and restrictions:

41
42 a. Permittees are prohibited from street solicitation activity
43 at sites where other permits have been issued under this
44 section.

45
46 b. A specific limit shall be placed on the number of
47 individual persons operating under a single permit issued
48 to an applicant that is not an individual.

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50 c. A specific limit shall be placed on the number of

individual permittees operating at a solicitor site.

- d. Permittees are required to wear appropriate reflective or highly visible colored clothing or accessories.
- e. No permit shall be issued for a period exceeding twenty-four hours.
- f. No organization, or subsidiary thereof, shall be issued more than two (2) street solicitation permits per calendar year.

3. No street solicitation shall be permitted in the downtown business district, defined as any public place located on or to the west of Ingra Street, on or to the north of 15th Avenue, on or to the east of L Street, and on or to the south of Third Avenue.

4. *Transferability.* A permit issued pursuant to this section is nontransferable. Any transfer automatically voids the permit.

F. *Insurance or bond required.* Before any permit is issued for a street solicitor, the applicant shall provide proof of a currently effective bond, insurance policy, or certificate of liability insurance issued by a company authorized to do business in the state as a surety for any liabilities that may result from the applicant's street solicitation activities. The director may disapprove a surety for good cause. A permittee that is a federal, state or municipal agency or department is exempt from the insurance or bond requirement.

1. The bond, policy or certificate shall reflect the following coverage:

- a. Personal injury (each occurrence), \$500,000.00;
- b. Aggregate (each occurrence), \$500,000.00; and
- c. Property damage (each occurrence), \$50,000.00.
- d. Municipality shall be listed as an additional insured.

2. Every insurance policy, bond or certificate furnished under this subsection shall contain a clause obligating the surety to give the director written notice no less than 30 days before the cancellation, expiration, nonrenewal, lapse or other termination or alteration of the surety instrument. A lapse, cancellation, expiration, nonrenewal or other termination or alteration of such surety instrument shall cause the permit to which it pertains to be automatically suspended for so long as the surety required by this section is not in place.

3. Indemnification. All permits shall require a Permittee to indemnify, defend, save and hold Municipality harmless from any and all claims, lawsuits, or liability as a result of the permit, including attorney's fees and costs, allegedly arising out of, in connection with, or incident to any loss, damage or injury to persons or property or from any wrongful or negligent act, error, or omission of Permittee, Permittee's agents, employees, or invitees, occurring during the course of, or as a result of the Permittee's, Permittee's agents, employees, or invitees performance.

G. Penalties. Violations of subsection C. shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than 90 days, or both such fine and imprisonment. Violations of subsection D. shall, upon conviction, be punished but a fine of not more than \$500.00.

1. As an alternative to the remedies, procedures and penalties provided in this section and Section 1.45.010, a violation of subsection D. may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with Chapter 14.60. This alternative is not available for violations of subsection C.

H. Defenses. It is a defense to prosecution under subsections C. and D. that the person was

- 1. Aiding a motor vehicle occupant necessary in an emergency situation, or
- 2. A peace officer in the performance of official duties.

Section 2. Anchorage Municipal Code section 14.60.030 is amended 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:

<u>Code Section</u>	<u>Offense</u>	<u>Penalty/Fine</u>
*** *** ***		
<u>24.80.015 C.</u>	<u>Street solicitation in violation of permit conditions</u>	<u>up to 500.00</u>


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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 No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07)

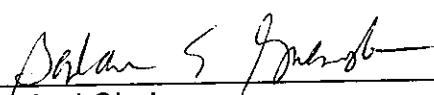
Section 3. This ordinance shall be effective thirty (30) days after passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 11th day of May, 2010.



Chair of the Assembly

ATTEST:



Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2010-39

Title: **AN ORDINANCE AMENDING CHAPTER 24.80 TO ADD A NEW SECTION 24.80.015 TO ESTABLISH A STREET SOLICITATION PERMIT AND AMENDING SECTION 14.60.030, FINE SCHEDULE.**

Sponsor: MAYOR
 Preparing Agency: Department of Law
 Others Impacted: Traffic Department, Development Services, APD, AFD

CHANGES IN EXPENDITURES AND REVENUES:	(In Thousands of Dollars)				
	FY10	FY11	FY12	FY13	FY14
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:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

Minimal public sector economic effects; amending code to add a process for street solicitation permits.

PRIVATE SECTOR ECONOMIC EFFECTS:

Minimal private sector economic effects; amending code to add a process for street solicitation permits.

Prepared by: Dept. of Law

Telephone: 343-4545

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 237-2010

Meeting Date: April 20, 2010

1 **From: MAYOR**

2
3 **Subject: AN ORDINANCE AMENDING CHAPTER 24.80 TO ADD A NEW**
4 **SECTION 24.80.015 TO ESTABLISH A STREET SOLICITATION**
5 **PERMIT AND AMENDING SECTION 14.60.030, FINE SCHEDULE.**
6

7 It is currently unlawful to solicit in the right-of-way in the Municipality. The purpose
8 of the ordinance is to establish a permitting process for solicitation of business or
9 contributions in the right-of-way that includes mandatory safety requirements,
10 insurance, and standards for visibility and public safety prior to issuance of a permit.

11
12 This ordinance (1) ensures the safety of pedestrians as well as the traveling public,
13 and (2) minimizes traffic flow impacts on municipal streets by creating a permitting
14 process for responsible solicitation.

15
16 The detailed process set out in the ordinance:

- 17
18 1. Identifies a responsible municipal department for the application process and
19 the coordination between municipal departments affected by issuance of a
20 street solicitation permit;
21 2. Provides specific guidelines for the department to issue a permit;
22 3. Sets out clear criteria and steps for an applicant seeking a permit;
23 4. Describes an approved mechanism for responsible solicitation by individuals
24 and organizations meeting qualifications designed to protect the Municipality
25 and the public.

26
27 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**
28 **AMENDING CHAPTER 24.80 TO ADD A NEW SECTION 24.80.015 TO**
29 **ESTABLISH A STREET SOLICITATION PERMIT AND AMENDING SECTION**
30 **14.60.030, FINE SCHEDULE.**

31
32 Prepared by: Dept. of Law
33 Approved by: Dennis A. Wheeler, Municipal Attorney
34 Concur: Bob Kniefel, Municipal Traffic Engineer
35 Concur: Ron Thompson, Director, Development Services
36 Concur: Mark Mew, Chief of Anchorage Police Department
37 Concur: George J. Vakalis, Municipal Manager
38 Respectfully submitted: Daniel A. Sullivan, Mayor

Content ID: 008908**Type:** Ordinance - AO**Title:** AN ORDINANCE AMENDING CHAPTER 24.80 TO ADD A NEW SECTION 24.80.015 TO ESTABLISH A STREET SOLICITATION PERMIT AND AMENDING SECTION 14.60.030, FINE SCHEDULE.**Author:** maglaquijp**Initiating Dept:** Legal**Select Routing:** Standard**Keywords:** Panhandling, street permit, solicitation**Date Prepared:** 4/8/10 2:17 PM**Director Name:** Dennis A. Wheeler**Assembly Meeting Date:** 4/20/10**Public Hearing Date:** 5/11/10

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	4/9/10 12:39 PM	Exit	Joy Maglaqui	Public	008908
MuniManager_SubWorkflow	4/9/10 12:39 PM	Approve	Joy Maglaqui	Public	008908
MuniManager_SubWorkflow	4/9/10 12:38 PM	Checkin	Joy Maglaqui	Public	008908
Finance_SubWorkflow	4/9/10 11:34 AM	Approve	Nina Pruitt	Public	008908
OMB_SubWorkflow	4/9/10 11:02 AM	Approve	Cheryl Frasca	Public	008908
Legal_SubWorkflow	4/8/10 2:22 PM	Approve	Rhonda Westover	Public	008908
AllOrdinanceWorkflow	4/8/10 2:21 PM	Checkin	Rhonda Westover	Public	008908