WHEREAS, currently properties used for “nonprofit religious, charitable, cemetery, hospital, or educational purposes” are exempt from liability for fees for excessive police responses under Anchorage Municipal Code section 8.80.020; and

WHEREAS, that exemption for nonprofits is based on the exemption from property taxes for such properties set out in ALASKA CONSTITUTION ART. IX, § 4, and AS 29.45.030(a)(3); and

WHEREAS, no other property classification in AS 29.45.030 that is required to be exempt from property taxes is listed as exempt from the fees for excessive police responses; and

WHEREAS, the fee for excessive police responses is not a tax, and is imposed on properties that generate an unusually high number of calls for service to the police department, above the level of service funded by property taxes for police services, and therefore should be imposed on all properties on an equal basis whether or not they are exempt from property taxes; and

WHEREAS, hiring private security personnel on site at commercial properties, which includes nonprofit parcels, is a highly effective solution to excessive calls to the police department and should be expressly recognized as an appropriate corrective action; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 8.80.020 is hereby amended to read as follows (language indicating no amendment is included for context only and other subsections not affected are not set out):

8.80.020. Fee for excessive police response.

A. Subject to subsection B., the owner of a property and the tenant of a unit thereon shall jointly pay the Municipality a fee of $500.00 per excessive police response to the dwelling unit or commercial unit
during a calendar year.

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

1. The person is a federal, state, or local government agency;

2. [THE PROPERTY OR UNIT RESPONDED TO IS USED EXCLUSIVELY FOR NONPROFIT RELIGIOUS, CHARITABLE, CEMETERY, HOSPITAL, OR EDUCATIONAL PURPOSES:]

3. [THE MUNICIPALITY HAS NOT PROVIDED NOTICE TO THE PERSON IN WRITING AS PROVIDED IN SECTION 8.80.030;]

4. Any person has taken appropriate corrective action and given written notice to police of the action as required by Section 8.80.040; or

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.

(AO No. 2009-71(S), § 2, 11-17-09)

Section 2. Anchorage Municipal Code section 8.80.040 is hereby amended to read as follows (language indicating no amendment is included for context only and other subsections not affected are not set out):

8.80.040 - Appropriate corrective action.

A. An owner or tenant of a property shall have 30 days from the date notice is accomplished, as required under section 8.80.030, to promptly take appropriate corrective action. Appropriate corrective action is action reasonably expected to correct the cause of the police responses to the property. Police officers holding the rank of sergeant or higher are authorized to determine whether corrective action is appropriate under the circumstances. The officer's determination shall be in writing and issued within five days of receipt
of the person's written notice of the action taken. Should the officer
determine the action taken is not appropriate corrective action, the
officer shall explain the reasons and the person shall have ten days
from the date of the determination to take appropriate corrective
action. The ten-day extension shall be provided only once in a
calendar year for each unit receiving excessive police responses.
Examples of appropriate corrective action, subject to a police
officer's determination whether it is appropriate, may include, without
limitation:

*** *** ***

4. Installation or implementation of new or additional security
measures, including providing for on-site security guards or
staff at commercial properties; or

5. Action recommended by the Anchorage Police Department in
writing and implemented to the satisfaction of a police officer
the rank of sergeant or higher.

*** *** ***

(AO No. 2009-71(S), § 2, 11-17-09)

Section 3. This ordinance shall become effective immediately upon passage
and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _______ day of
____________, 2017.

____________________________________
Chair

ATTEST:

____________________________________
Municipal Clerk