Submitted by: Chair of the Assembly at the Request of the Mayor
Prepared by: Department of Health and Human Services
For reading: July 24, 2007

ANCHORAGE, ALASKA
AO NO. 2007-105

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 15.70 TO CLARIFY DEFINITIONS, NOISE PERMIT CONDITIONS, AND ADD A NEW SECTION FOR MEASUREMENTS OF NOISE; AMENDING SECTION 14.60.030 TO INCREASE FINES; AND REPEALING ANCHORAGE MUNICIPAL CODE OF REGULATIONS CHAPTER 15.70.

THE ASSEMBLY HEREBY ORDAINS:

Section 1. Anchorage Municipal Code section 15.70.030 is amended to read as follows (the remainder of the section is not affected, and therefore not set out):

15.70.030 Definitions.

A. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*** *** ***

Commercial means of or relating to commerce, engaged in commerce, involved in work designed or planned for the mass market; or designating products, often unrefined, made and distributed in large quantities; or having profit as a primary aim; or paid for by an advertiser or advertising.


Construction means temporary [ANY] site preparation, assembly, erection, drilling, substantial repair, alteration, demolition, or similar action or activity for or on: [OF] public or private rights-of-way[,] structures[,] utilities[,] or similar public or publicly maintained property[, BUT EXCLUDES DEMOLITION]. For the purposes of this chapter, off-site fabrication and/or manufacture of materials used in construction including but not limited to modular housing fabrication, asphalt or concrete operations, sand/gravel extraction and truss manufacture are not construction.

*** *** ***
**Contiguous** means sharing a common boundary or edge.

*** *** ***

**Department** means the municipal Department of Health and Human Services.

**Director** means the director of the Department of Health and Human Services or designee.

*** *** ***

**Industrial area** means any parcel of land zoned as **industrial** [I-1, I-2,] under title 21.

**Land use boundary** means an imaginary line, along the ground surface and its vertical extension, separating a residential, commercial and/or industrial area.

*** *** ***

**L_{max}** means a single event metric used to describe the greatest sound level in decibels at a given time at a given location.

*** *** ***

**Motor vehicle** means any self-propelled [EVERY] motorized vehicle [WHICH IS SELF-PROPELLED] including, but not limited to, automobile, motorcycle, snowmobile, mini-bike, go-cart, motor scooter and off-road vehicle [INCLUDING THOSE DEFINED IN SECTION 9.04.010] but excluding railroad train as defined under section 9.04.010 [AND EVERY VEHICLE WHICH IS PROPELLED BY ELECTRIC POWER OBTAINED FROM OVERHEAD TROLLEY WIRES, BUT NOT OPERATED UPON RAILS AS DEFINED IN SECTION 9.04.010, AND INCLUDES MOTORCYCLES OR MOTOR-DRIVEN CYCLES AS DEFINED IN SECTION 9.04.010].

*** *** ***

[MOTORCYCLE MEANS AN UNENCLOSED MOTOR VEHICLE HAVING A SADDLE FOR THE USE OF THE OPERATOR AND TWO OR THREE WHEELS IN CONTACT WITH THE GROUND, INCLUDING BUT NOT LIMITED TO MOTOR SCOOTERS AND MINIBIKES.]

*** *** ***

**Person** means and shall extend and be applied to a corporation, company, partnership, firm, association, organization, business trust, entity or society, as well as to an individual and group of individuals.

*** *** ***

**Real property boundary** means an imaginary line along the ground surface and its vertical extension, or between separate apartments or condominiums, [THAT] separating [ES] the real property owned, rented or leased by one person from real
property [THAT] owned, rented or leased by another person.

*** *** ***

Residential area means any parcel of land zoned as residential [R-1, R-1A, R-2A, R-2D, R-2M, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-O, D-2 or D-3, PLI, U or W] under title 21, [OR ANY AREA OF LAND USED AS SINGLE- OR MULTIPLE-FAMILY DWELLINGS,] hospitals, nursing homes, homes for the aged, schools and similar institutions.

*** *** ***

Vibration means a rapid linear motion of an elastic solid [AN OSCILLATORY MOTION OF SOLID BODIES OF DETERMINISTIC OR RANDOM NATURE] described by displacement, velocity, [OR] acceleration, or as measured with respect to a given reference point or equilibrium position.

*** *** ***

(GAAB 16.85.030; AO No. 78-48; AO No. 85-18; AO No. 94-77(S), § 1, 5-31-94; AO No. 2001-97, § 1, 5-22-01)

Section 2. Anchorage Municipal Code section 15.70.040 is amended to read as follows (the remainder of the section is not affected and therefore not set out):

15.70.040 Powers and duties of department of health and human services.

A. The noise control program established by this chapter shall be administered by the department [OF HEALTH AND HUMAN SERVICES,] [WHICH SHALL HAVE] In addition to any other authority vested in it, the department shall have the following powers:

*** *** ***

8. The department may study existing transportation systems within the community, such as truck routes, determine areas with sensitivity to sound and vibration caused by transportation, recommend changes or modifications to the transportation systems to minimize the impact of sound and vibration on residential areas and noise-sensitive zones, and assist in or review the total transportation planning of the community, including planning for new roads and highways, bus routes, airports and other systems for public transportation to ensure the impact of sound and vibration receive adequate consideration.

9. The department may evaluate and report to the mayor and assembly on the effectiveness of the noise control program and make recommendations for legislative or budgetary changes necessary to improve the program.
B. In order to implement and enforce this chapter effectively, the department shall within a reasonable time carry out the following duties:

4 [5]. The department shall make recommendations for modifications or amendments to this chapter to ensure consistency with all state and federal laws and regulations.

5 [6]. The department shall develop [A GENERALIZED SOUND EXPOSURE MAP OF THE MUNICIPALITY,] a long-term plan for achieving quiet in the municipality, and, subject to the approval of the assembly, integrate this plan into the planning process of the municipality.

6 [7]. The department shall administer noise program grants or other funds and gifts from public and private sources, including the state and federal grants.

8 [9]. The department shall conduct programs of public education regarding the causes, effects and general methods of abatement and control of noise and vibration, the actions prohibited by this chapter and the procedures for reporting violations, and the participation of public interest groups in related public information efforts.

[THE DEPARTMENT SHALL EVALUATE AND REPORT TO THE MAYOR AND ASSEMBLY ANNUALLY ON THE EFFECTIVENESS OF THE MUNICIPAL NOISE CONTROL PROGRAM AND MAKE RECOMMENDATIONS FOR ANY LEGISLATIVE OR BUDGETARY CHANGES NECESSARY TO IMPROVE THE PROGRAM. THE FIRST SUCH EVALUATION AND REPORT UNDER THIS SUBSECTION SHALL BE SUBMITTED TO THE ASSEMBLY NOT LATER THAN JULY 15, 1979.]
Section 3. Anchorage Municipal Code section 15.70.050 is amended to delete the last two subsections as follows (the remainder of the section is not affected and therefore not set out):

15.70.050 Governmental compliance.

*** *** ***

[D. ANY WRITTEN CONTRACT, AGREEMENT, PURCHASE ORDER OR OTHER INSTRUMENT WHEREBY THE MUNICIPALITY IS COMMITTED TO THE EXPENDITURE OF $5,000.00 OR MORE IN RETURN FOR GOODS OR SERVICES SHALL CONTAIN PROVISIONS REQUIRING COMPLIANCE WITH THIS CHAPTER IN A FORM APPROVED BY THE MUNICIPAL ATTORNEY.]

[E. THE DIRECTOR SHALL RECOMMEND TO THE MAYOR AND THE ASSEMBLY THAT THE MUNICIPALITY PROCURE AND USE IN PREFERENCE TO ANY OTHER PRODUCT ANY PRODUCT THAT THE ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS CERTIFIED AS A LOW NOISE EMISSION PRODUCT PURSUANT TO SECTION 15 OF THE NOISE CONTROL ACT OF 1972 AND DETERMINED SUITABLE FOR USE AS A SUBSTITUTE; PROVIDED, HOWEVER, THAT SUCH CERTIFIED PRODUCT IS REASONABLY AVAILABLE AND HAS A PROCUREMENT COST NOT MORE THAN 125 PERCENT OF THE LEAST EXPENSIVE TYPE OF PRODUCT FOR WHICH IT IS CERTIFIED AS A SUBSTITUTE.]

Section 4. Anchorage Municipal Code section 15.70.060 is amended to read as follows (the remainder of the section is not affected and therefore not set out):

15.70.060 Prohibited acts and conditions.

*** *** ***

B. The following acts and conditions and the causing thereof are declared to be in violation of this chapter:

1. Aircraft and airport operations. No person shall operate aircraft engines while the aircraft is on the ground or operate an airport facility in such a manner as to cause a noise disturbance across a residential real property boundary, on a public space or within a noise-sensitive zone. When complaints are received by the department, the director shall consult with the airport proprietor to recommend
changes in airport operations to minimize any noise disturbance that the
airport owner may have authority to control in its capacity as proprietor.
Nothing in this section shall be construed to prohibit, restrict, penalize,
enjoin or in any manner regulate the movement of aircraft that are in all
respects conducted in accordance with or pursuant to applicable federal
laws or regulations, including but not limited to takeoff, landing or
overflight procedures.

2. *Animals.* No person shall own, possess or harbor any animal [THAT]
causing a noise disturbance or exceeding sound levels in Table 1 of this
chapter. This subsection does not apply to dogs or cats under title 17,
[FREQUENTLY OR FOR CONTINUED DURATION MAKES
SOUNDS COMMON TO ITS SPECIES IN VIOLATION OF THE
PROVISIONS OF TITLE 17, EXCEPT FOR] This subsection also does
not apply to sounds created in a public zoo.

3. *Construction.* No person, unless issued a permit by the department
pursuant to section 15.70.070 and meeting all conditions of the permit,
shall engage in construction or cause or allow construction [SHALL
OPERATE OR CAUSE THE OPERATION OF ANY TOOLS OR
EQUIPMENT USED IN CONSTRUCTION, DRILLING, REPAIR,
ALTERATION OR DEMOLITION WORK]:

a. So [THAT] the sound therefrom creates a noise disturbance across
a residential real property boundary or within a noise-sensitive
zone between the hours of 10:00 p.m. and 6:00 a.m. during the
construction season, or between the hours of 10:00 p.m. and 7:00
a.m. during other months, or at any time on Sundays or state
holidays; or

b. So [THAT] the sound level therefrom exceeds an L eq of 80 dB(A)
at or within a residential real property boundary or within a noise-
sensitive zone during any one hour of the daily period from 6:00
a.m. to 10:00 p.m. during the construction season or from 7:00 a.m.
to 10:00 p.m. during other months; or

c. So [THAT] the sound level therefrom exceeds an L eq of 80 dB(A)
at or within a commercial or industrial real property boundary
during any one hour of the daily period from 6:00 a.m. to 10:00
p.m. during the construction season or from 7:00 a.m. to 10:00
p.m. during other months [.] and

The restrictions of subsection B.3. [OF THIS SECTION] do not apply to
emergency work of public service utilities as provided in section
15.70.020[.]B., the [USE OF] non-commercial use of [DOMESTIC]
power tools as provided for [PERMITTED] in subsection B.4, [OF THIS
SECTION] or construction where [WORK FOR WHICH] a permit has
been issued pursuant to section 15.70.070[A.] and all conditions of the
permit are met.

4. **Non-commercial use of [DOMESTIC] power tools.** No person shall
operate or permit the operation of any mechanically powered saw, sander,
drill, grinder, lawn or garden tool, snow blower or similar device [USED] in
residential areas between the hours of 10:00 p.m. and 7:00 a.m. the
following day so as to cause a noise disturbance across a residential real
property boundary.

*** *** ***

7. **Loading and unloading.** No person shall load, unload, open, close or
otherwise handle boxes, crates, containers, building materials, refuse
containers including garbage cans or similar objects between the hours of
10:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a
noise disturbance across a residential real property boundary or within a
noise-sensitive zone.

8. **Loudspeakers and public address systems.** No person shall use or operate
for any [COMMERCIAL OR NONCOMMERCIAL] purpose any
loudspeaker, public address system or similar device so [THAT] the sound
therefrom creates a noise disturbance across a residential real property
boundary or within a noise-sensitive zone unless a permit has been issued
for a public event by the department pursuant to section 15.70.070 and all
conditions of the permit are met.

*** *** ***

15. **Radios, televisions, musical instruments and similar devices.** Except as
provided for [OTHERWISE PERMITTED FOR NONCOMMERCIAL
SPOKEN LANGUAGE] in subsection B.8 of this section, no person shall
operate, play or permit the operation or playing of any radio, television,
phonograph, DVD, cassette player, compact disk, boom box, drum, other
musical instrument, sound amplifier or similar device that produces,
reproduces or amplifies sound:

a. In such a manner as to create a noise disturbance across a real
property boundary or within a noise-sensitive zone except for
activities open to the public and for which a permit has been issued
for a public event by the department as provided in section
15.70.070[A.] and all conditions of the permit are met;

*** *** ***

18. **Tampering with noise control device or sound monitoring equipment.** No
person shall remove or render inoperative for purposes other than maintenance, repair or replacement any noise control device or element of design or noise label of any product manufactured to meet specific noise emission limits under federal or state law. No person shall move or render inaccurate or inoperative any sound monitoring instrument or device positioned by or for the department when such device or the immediate area is clearly labeled using a placard provided by the department [IN ACCORDANCE WITH DEPARTMENT REGULATIONS] to warn of the potential illegality. No person shall use a product manufactured to meet specific noise emission limits under federal or state law with [THAT HAS HAD] a noise control device or element of design or noise label removed or rendered inoperative with knowledge [THAT] such action has occurred.

19. **Vibration.** No person shall operate or cause the operation of any device [THAT] producing [ES] low-frequency, audible or inaudible sound that creates vibration above the vibration perception threshold of any individual within a residential real property boundary or within a noise-sensitive zone between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(GAAB 16.85; AO No. 78-48; AO No. 94-77(S), § 2, 5-31-94; AO No. 2001-97, § 2, 5-22-01)

**Section 5.** Anchorage Municipal Code section 15.70.070 is amended to read as follows *(the remainder of the section is not affected and therefore not set out):*

**15.70.070 Noise permits.**

A. **Generally.** The department shall have the authority consistent with this section to grant permits that may be requested pursuant to sections: 15.70.060[B.3., pertaining to construction;][A] 15.70.060[B.6., pertaining to explosives, firearms and similar devices][A], 15.70.060B.8. and B.15[(A)], pertaining to public events;A] 15.70.090[E., pertaining to snow removal and street sweeping equipment off public rights-of-way, and 15.70.090[G., pertaining to motor vehicle racing events.

B. **Application.** Any person seeking a noise permit shall file with the department an application using a form provided by the department.

1. The application for a permit or variance shall contain[ING] specific information demonstrating [THAT DEMONSTRATES] that bringing the source of sound or activity [FOR WHICH THE PERMIT OR VARIANCE IS SOUGHT] into compliance with this chapter results in [WOULD CONSTITUTE] an unreasonable hardship on the applicant, the community
or other persons.

2. Any person seeking a noise permit shall file an application with the director at least 20 days prior to the commencement of the noise for which the permit is requested.

   a. The director shall have authority to waive, consistent with administratively established criteria, the 20-day time requirement in order to expedite issuance of permits.

3. The department shall, within 10 days of the receipt of an application, publish notice on a publicly accessible website soliciting public comments regarding the application.

   a. If the director determines the activity for which a permit is requested has substantial potential for adverse impact to the public due to the time of the activity, duration of the activity or other reasons, or if the noise event has a duration of 21 days or longer, the director may require the permit applicant to:

      i. Advertise in a major distribution newspaper; and/or
      ii. Distribute written information regarding the nature and timing of the activity addressed in the application to those likely to be affected by the granting of a permit.

   [NOTICE OF AN APPLICATION FOR A PERMIT SHALL BE PUBLISHED WITHIN TEN DAYS FROM THE DATE OF APPLICATION, AND NO PERMIT MAY BE ISSUED WITHOUT SUCH NOTICE PRIOR TO ISSUANCE; PROVIDED, HOWEVER, THAT NOTICE BY PUBLICATION SHALL NOT BE REQUIRED IN ORDER TO ISSUE A SHORT-TERM PERMIT HAVING A DURATION OF 21 CONSECUTIVE CALENDAR DAYS OR LESS UNLESS THE DIRECTOR DETERMINES THAT THERE IS A SUBSTANTIAL POTENTIAL FOR IMPACT ON THE PUBLIC.]

4. Any individual who claims to be adversely affected by allowance of a permit may file a statement with the department containing any information to support the [HIS] claim. Upon the written request for a hearing by [OF] any affected person, the applicant or the director, an administrative hearing shall be held within 15 days, pursuant to chapter 3.60, to consider evidence relative to the criteria set forth in subsection C. [OF THIS SECTION].

C. Criteria for approval. In determining whether to grant or deny an [THE] application for a permit, the director or hearing officer shall balance the hardship
to [ON] the applicant, the community and other persons of not granting the permit against the adverse impact on health, safety and welfare of persons affected, the adverse impact on property affected and any other adverse impacts of granting the permit. Applicants may be required to [EITHER]:

1. Measure or allow the department to measure the sound level of or the vibration from any source in accordance with the methods and procedures and at such locations and times as the department may reasonably prescribe; and

2. To furnish reports of the results of such measurements to the department; and

3. To require the measurements to be conducted in the presence of a [THE] department code enforcement officer[S]; and

4. An applicant[S] for a permit and persons contesting the granting of a permit may be required to submit any other information the department may reasonably require; and

In granting or denying an application, the director shall keep on public file a copy of the decision. In the event a permit application is denied, written justification for denial shall be kept on public file [AND THE REASONS FOR DENYING OR GRANTING THE PERMIT]. No permit shall be granted for any source of sound or activity that violates or would violate any provision of federal or state law or any provision of any other chapter of this title or this Code.

D. Conditions. Permits shall be granted by notice to the applicant containing all necessary conditions, including as part of any permit a time limit on the permitted activity. The director may require the permittee to provide public notice prior to the activity pursuant to provisions in B.2. The permit shall not become effective until all conditions are agreed to in writing by the applicant. Noncompliance with any condition of a permit may [SHALL] terminate the permit and subject the person holding it to those provisions of this title regulating the source of sound for which the permit was granted.

*** *** ***

G. Fees.

1. At the time a noise permit is issued, the owner or operator shall pay to the department a permit fee as set forth below. For an event duration of:

   a. Eight (8) hours or fewer.................................$25.00;
   b. More than 8 hours but fewer than 10 days.....$50.00;
   c. More than 10 days but fewer than 21 days...$100.00; or
d. Twenty-one (21) days or longer.................$170.00

A person applying for a noise permit fewer than twenty (20) days prior to
the commencement of the noise for which the permit is requested shall pay
a late fee of ten percent (10%) of the permit fee, in addition to the permit
fee.

*** *** ***

(GAAB 16.85; AO No. 78-48; AO No. 89-130)

Section 6. Anchorage Municipal Code chapter 15.70 is amended to add a new section
15.70.075 to read as follows:

15.70.075 Measuring sound levels.

A. For purposes of this section, “operator” means a department code enforcement
officer or other person authorized by the director to measure sound levels for
purposes of this chapter.

1. If measurements are made with a sound level meter, the meter shall be an
instrument in good operating condition and meeting the requirements of a
Type I or Type II meter as specified by ANSI Standard 1.4-1971 or the
most current ANSI Standard, if different. For purposes of this title, a
sound level meter shall contain at least an A-weighted scale and both fast
and slow meter response capacity.

2. If measurements are made with other instruments, procedures shall be
performed in such a manner that the overall accuracy be at least that
specified in ANSI standard 1.4-1971 or most current ANSI Standard if
different, for Type II instruments.

3. When the location or distance prescribed in this title for measurement of
sound is impractical or would provide misleading or inaccurate results,
measurements may be taken at other locations or distances using standard
and appropriate correction factors.

4. Copies of procedures and tests required by this chapter and not specified
herein shall be kept on file at the Department.

B. A department code enforcement officer or other operator conducting sound level
measurements shall understand techniques and principles of sound measurement
and operation of sound measuring instrumentation.

Section 7. Anchorage Municipal Code section 15.70.080 is amended to read as follows:
15.70.080 Property line noise emission standards.

A. Except when a permit is issued by the department or as otherwise provided in subsection[S] B.1. [AND C OF THIS SECTION], no person shall operate or allow [CAUSE] to be operated on public or private property any source of sound in such a manner as to create a sound level that exceeds the limits set forth for the receiving land use category in Table 1 when sound levels are measured at or within the land use [PROPERTY] boundary of the receiving land use.

<table>
<thead>
<tr>
<th>Receiving Land Use</th>
<th>Emitting Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>60</td>
</tr>
<tr>
<td>Commercial</td>
<td>70</td>
</tr>
<tr>
<td>Industrial</td>
<td>80</td>
</tr>
</tbody>
</table>

Table 1. Sound Levels By Emitting and Receiving Land Use

<table>
<thead>
<tr>
<th>Receiving Land Use Boundary Limits (7 AM – 10 PM) (dB (A) L_{max})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emitting Property</td>
</tr>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>Commercial</td>
</tr>
<tr>
<td>Industrial</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Receiving Land Use Boundary Limits (10 PM – 7 AM)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emitting Property</td>
</tr>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>Commercial</td>
</tr>
<tr>
<td>Industrial</td>
</tr>
</tbody>
</table>

B [C]. The provisions of subsection[S] A.1. [AND B OF THIS SECTION] shall not apply to the unamplified human voice or [AND] activities covered by sections 15.70.060[.]B.1.3., pertaining to aircraft and airport operations[.].
pertaining to construction during the construction season between the hours of
6:00 a.m. and 10:00 p.m. or between 7 a.m. and 10 p.m. other than construction
season:[,] 15.70.060[.]B.4., pertaining to non-commercial use of [DOMESTIC]
power tools[,] 15.70.060[.]B.5., pertaining to emergency signaling devices[,] 15.70.060[.]B.6., pertaining to explosives, firearms and similar devices[,] 15.70.060[.]B.9., pertaining to motorboats[,] 15.70.060[.]B.14., pertaining to public service utilities[,] 15.70.060[.]B.16., pertaining to stationary non-emergency signaling devices[,] 15.70.090[.]A., pertaining to motor vehicles operating on public rights-of-way[,] 15.70.090[.]D., pertaining to refuse collection vehicles[,] and 15.70.090[.]E., pertaining to snow removal vehicles on
Anchorage School District property and other street sweeping equipment.

[NO PERSON SHALL OPERATE OR CAUSE TO BE OPERATED ANY
SOURCE OF SOUND IN SUCH A MANNER AS TO CREATE A SOUND
LEVEL MEASURED AT ANY LOCATION ON A BOUNDARY BETWEEN
TWO RECEIVING LAND USE CATEGORIES THAT EXCEEDS THE
ARITHMETIC MEAN OF THE RESPECTIVE SOUND LEVEL LIMITS SET
FORTH FOR SUCH RECEIVING LAND USE CATEGORIES IN TABLE 1.]

C [D]. Notwithstanding the above provisions in this section, no person shall cause,
suffer, allow or permit the operation of any amplified sound on private property in
such a manner that it raises the total sound levels of the permissible sound limits
set forth in Table 2 when measured within the residence, dwelling, or building
structure of a complainant. If the source of sound is amplified sound on private
property, and the complainant states that the rhythmic bass component of the
music is disturbing within their residence, dwelling, or building structure, then the
noise enforcement officer may take sound level measurements within the
residence, dwelling, or building structure of the complainant. These sound level
shall be measured using the "C" weighted sound level, with the sound level meter
set for "C" weighting, "fast" response. Such measurements shall not be taken in
areas that receive only casual use, such as hallways, closets and bathrooms. For
the purposes of these measurements, the ambient sound level is that sound level
which is measured in the residence, dwelling, or building structure when the
sound source under investigation is not prominent, or in a room on the same floor
that is relatively unaffected by the sound source under investigation. The "C"-
scale is more sensitive to low frequency sound levels than the "A"-scale; an
increase of 3dB is perceived by humans as being plainly audible, an increase of
5dB is plainly louder and an increase of 10dB is perceived as being twice as loud.

*** *** ***

(GAAB 16.85; AO No. 78-48; AO No. 2001-97, § 3, 5-22-01)

Section 8. Anchorage Municipal Code section 15.70.090 is amended to read as follows (the
remainder of the section is not affected and therefore not set out):
**15.70.090** Motor vehicle noise emission standards.

*** *** ***

E. No person shall operate or permit the operation of any motor vehicle operating for the purpose of removing snow or sweeping streets if at any time the motor vehicle produces a sound level in excess of the level set forth in table 2 at a distance of 50 feet (15 meters) or more from any point on the vehicle.

1. As provided in section 15.70.080B.[C], motor vehicles operating for the purpose of removing snow or sweeping streets [SUCH MOTOR VEHICLES] are exempt from complying with the sound levels set forth in table 1 when operating on Anchorage School District property or other public rights-of-way.

2. Motor vehicles operating for the purpose of removing snow or sweeping streets when operating off a public right-of-way may be exempt from complying with the sound levels [SUCH MOTOR VEHICLES OPERATING OFF A PUBLIC RIGHT OF WAY FOR THE PURPOSE OF REMOVING SNOW MAY BE EXEMPT FROM COMPLYING WITH THE SOUND LEVELS] of table 1 when operating in compliance with the terms and conditions of a permit [issued] pursuant to section 15.70.070.[.A].

*** *** ***

(GAAB 16.85; AO No. 78-48)

**Section 9.** Anchorage Municipal Code chapter 15.70 is amended to add a new section 15.70.110 as follows:

**15.70.110** Penalties and remedies other than for motor vehicles.

A. Notwithstanding provisions for penalties and remedies in section 15.70.095, the department may seek any or all of the following remedies:

1. Enjoin or abate a violation of this chapter.
2. Recover the costs of abatement.
3. Recover damages suffered because of the violation.
4. Recover a fine as set forth in section 14.60.030 or, if no fine is set forth in section 14.60.030, a fine of not less than $100.00 for each day in violation, including each day the violation continues or is not abated after an enforcement order is issued.
5. Assess up to double the amount of fine, penalty, costs and damages for a second or subsequent offense committed by the same person within one...
year of service of an enforcement order, even if the offense occurs on a
different property parcel. For purposes of this subsection, a second or
subsequent offense shall be categorized the same as the original offense
identified in section 15.70.060.

6. Recover a civil penalty not exceeding $1,000.00 for each violation.

B. The department shall keep an account of the cost, including incidental expenses,
incurred by the municipality in the abatement of any violation of this section. A
bill for collection shall be forwarded to the violator, specifying the nature and
costs of the work performed.

1. For purposes of this section, “incidental expenses” shall include, but is not
limited to, the actual expenses and costs to the municipality in the
preparation of the notices, specifications, contracts, work inspection, and
interest from date of completion at the rate prescribed by law for
delinquent real property taxes.

C. The remedies provided in this section are not exclusive, but are cumulative of all
other remedies available at law or in equity.

Section 10. Anchorage Municipal Code section 14.60.030 is amended to read as follows (the
remainder of the section is not affected and are therefore not set out):

14.60.030 Fine Schedule.

The fine schedule under this chapter is as follows:

TABLE INSET:

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Offense</th>
<th>Penalty/Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>*** *** ***</td>
<td>15.70.060</td>
<td>Prohibited acts and conditions</td>
</tr>
<tr>
<td></td>
<td>[NOISE PRACTICES]:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. Making improper noise</td>
<td>$150.00 [$75.00]</td>
</tr>
<tr>
<td></td>
<td>B. Act in violation</td>
<td>$150.00 [$75.00]</td>
</tr>
<tr>
<td>15.70.080</td>
<td>Property line noise:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. Exceed limit</td>
<td>$150.00 [$75.00]</td>
</tr>
<tr>
<td></td>
<td>B. Exceed limit</td>
<td>$150.00 [$75.00]</td>
</tr>
<tr>
<td>15.70.090</td>
<td>Vehicle noise standards (identity specific violation)</td>
<td>$150.00 [$75.00]</td>
</tr>
<tr>
<td>*** *** ***</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Section 10. Anchorage Municipal Code of Regulations chapter 15.70 is repealed in its entirety. A copy of AMCR chapter 15.70 is attached hereto, pursuant to Anchorage Municipal Code section 1.05.050B.

Section 11. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Assembly this ____ day of _______________, 2007.

_____________________________________________________
Chair

ATTEST:

_____________________________________________________
Municipal Clerk