

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

Prepared by: Department of Law

For reading: August 17, 2004

CLERK'S OFFICE

APPROVED

Date: 10-12-04

ANCHORAGE, ALASKA

AO No. 2004 - 119

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 9.30.235
TO CLARIFY USE OF HANDICAP PARKING PERMITS AND COMPLY WITH
ANCHORAGE CHARTER §21.01.**

WHEREAS, the Anchorage Charter was amended in 1997 to add a Charter §21.01, requiring enforcement of vehicle violations only by regularly sworn police officers, as follows:

Section 21.01. Vehicle violation enforcement.

No enforcement of any vehicle violation, whether the vehicle is parked or in motion may be performed by the Municipality of Anchorage by any persons other than a regularly sworn police officer who meets the standards set forth in A.S. 18.65.290(5)(A) or (B). Such enforcement includes, but is not limited to, any and all civil or criminal statutes, codes, ordinances or regulations which apply to the regulation of vehicles and which currently exist or may exist in the future.

(Prop. 3 of 4-15-97 election, effective 6-6-97, § 1)

This amendment, also known as Ballot Proposition 3, was approved by the voters on April 15, 1997 and effective June 6, 1997; and

WHEREAS, Anchorage Parking Authority and Anchorage Police Department have encountered misuse of handicap parking permits, such as a non-handicapped person utilizing the handicap parking permit at times other than actual transport of the permittee, and request amendment to Anchorage Municipal Code section 9.30.235 to correct such misuse; now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. That Anchorage Municipal Code section 9.30.235 is amended as follows (*the remainder of the section is not affected, and therefore not set out*):

9.30.235 Handicap[PED] parking.

A. No person may stop, stand or park a motor vehicle in a parking space designated for handicap[PED] parking only, whether such parking space is on public or private property, unless such vehicle displays a valid handicap[PED] parking permit issued or approved by the traffic engineer and the vehicle is being used in the immediate transport of a person with a valid handicap parking permit.

B. Any regularly sworn police officer, as defined in Alaska statutes, [DESIGNATED POLICE DEPARTMENT EMPLOYEE OR PARKING ENFORCEMENT OFFICER] may enforce this section within any public or private parking area by issuing a citation pursuant to section 9.30.250, or within any public parking area

1 by causing the vehicle to be immediately removed as provided by
2 section 9.30.020C.4. Only a person who owns or controls a private parking area
3 containing a designated handicap[PED]-only parking space may cause a vehicle
4 parked in violation of this section to be removed and towed as provided in
5 section 9.54.020E.
6

7 ***

8 (AO No. 80-154; AO No. 83-28; AO No. 84-54; AIM 873-85; AO No. 89-52; AO No.
9 95-6, § 7, 5-16-95)
10

11
12 **Section 2.** This ordinance shall become effective immediately upon passage and
13 approval.
14

15 PASSED AND APPROVED by the Anchorage Assembly this 12th day of
16 October, 2004.
17

18 
19
20 Chair of the Assembly

21 ATTEST:
22

23 
24
25 Municipal Clerk
26

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2004- 119

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION
 9.30.235 TO CLARIFY USE OF HANDICAP PARKING PERMITS AND
 COMPLY WITH ANCHORAGE CHARTER §21.01.

Sponsor: Anchorage Parking Authority
 Preparing Agency: Anchorage Parking Authority
 Others Impacted: Anchorage Police Department

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY04	FY05	FY06	FY07	FY08	
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:	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	
CAPITAL:	\$ -	\$ -	\$ -	\$ -	\$ -	
POSITIONS: FT/PT and Temp						

PUBLIC SECTOR ECONOMIC EFFECTS:

APD officers are currently patrolling and enforcing handicap parking zones, so there is no anticipated adverse impact on the APD budget. The number of valid handicap permit parking violations will increase nominally if this amendment is adopted; it is estimated that parking violation revenue will also increase nominally (\$2,000.00).

PRIVATE SECTOR ECONOMIC EFFECTS:

Adoption of this amendment will improve access to citizens issued handicap parking permits, including persons transporting citizens issued handicap parking permits.

Prepared by: Kevin J. Kinney, Director
 Anchorage Parking Authority

Telephone: 276-7275

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 627 -2004

Meeting Date: August 17, 2004

1 **From:** MAYOR

2
3 **Subject:** AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
4 SECTION 9.30.235 TO CLARIFY USE OF HANDICAP PARKING PERMITS AND
5 COMPLY WITH ANCHORAGE CHARTER §21.01.
6

7 The attached Assembly Ordinance amends the Handicap Parking Ordinance to specifically prohibit the use
8 of someone else's handicap parking permit.
9

10 Currently, state law prohibits the use of a handicap parking permit unless it was issued to the driver or a
11 passenger in the vehicle. Anchorage Police Department has on several occasions issued parking violation
12 notices, pursuant to Anchorage Municipal Code section 9.30.235, to drivers who were using a handicap
13 parking permit without transporting the holder of the permit.
14

15 However, when appealed, these parking violations are generally dismissed. The current code provision
16 allows use of any handicap parking space if the "... vehicle displays a valid handicap[PED] parking permit
17 issued or approved by the traffic engineer." The courts have interpreted this to allow a person without a
18 handicap to use the handicap parking permit, even when the permit holder is not being transported.
19

20 Allowing continued use of handicap parking space by a person that has not obtained a permit, or is not
21 transporting the person who obtained the handicap parking permit, adversely impacts access issues for
22 handicap citizens. Anchorage Parking Authority proposes a clarification in the code, limiting use of
23 handicap parking spaces to situations where the vehicle is either being driven by or is transporting a person
24 who has been issued a valid handicap parking permit.
25

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27 Prepared by: Kevin J. Kinney, Director, Anchorage Parking Authority
28 Approved by: Walt Monegan, Chief, Anchorage Police Department
29 Concur: Denis C. LeBlanc, Municipal Manager
30 Respectfully submitted: Mark Begich, Mayor
31

Content Information**Content ID :** 002050**Type:** Ordinance - AO

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE

Title: SECTION 9.30.235 TO CLARIFY USE OF HANDICAP PARKING PERMITS AND COMPLY WITH ANCHORAGE CHARTER §21.01.**Author:** fehlenrl**Initiating Dept:** Legal**Review Depts:** APD

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE

Description: SECTION 9.30.235 TO CLARIFY USE OF HANDICAP PARKING PERMITS AND COMPLY WITH ANCHORAGE CHARTER §21.01.**Keywords:** Handicap parking permits**Date Prepared:** 8/3/04 9:09 AM**Director Name:** Frederick H. Boness**Assembly Meeting**
Date MM/DD/YY: 8/17/04 12:00 AM**Public Hearing**
Date MM/DD/YY: 9/7/04 12:00 AM**Workflow History**

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	8/3/04 9:13 AM	Checkin	fehlenrl	Public	002050
Legal_SubWorkflow	8/3/04 9:16 AM	Approve	fehlenrl	Public	002050
APD_SubWorkflow	8/4/04 8:49 AM	Approve	wmonegan	Public	002050
AllOrdinanceWorkflow	8/4/04 5:40 PM	Reject	pearcydl	Public	002050
AllOrdinanceWorkflow	8/5/04 10:07 AM	Checkin	fehlenrl	Public	002050
APD_SubWorkflow	8/5/04 10:33 AM	Approve	wmonegan	Public	002050
OMB_SubWorkflow	8/5/04 1:33 PM	Approve	pearcydl	Public	002050
Legal_SubWorkflow	8/5/04 1:44 PM	Approve	fehlenrl	Public	002050
MuniManager_SubWorkflow	8/5/04 6:41 PM	Approve	leblancdc	Public	002050
MuniMgrCoord_SubWorkflow	8/6/04 8:03 AM	Approve	katkusja	Public	002050