

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Dept. of Law
For reading: September 13, 2005

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 9.27.05

ANCHORAGE, ALASKA
No. AO 2005-118

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 9.30.235 AND
2 9.30.280 REGARDING PARKING RESERVED FOR PERSONS WITH DISABILITIES AND
3 INCREASING THE FINE FOR THIRD AND SUBSEQUENT VIOLATION OF RESERVED
4 PARKING.
5

6
7 WHEREAS, the State of Alaska revised Alaska Statutes 28.10.495 and 28.35.235 to provide for
8 parking permits for vehicles operated by or transporting a person with a disability, clarifying
9 authorized use of parking reserved for persons with disabilities, and increasing the fine for third and
10 subsequent violation of parking reserved for persons with disabilities from \$250 to \$500; and
11

12 WHEREAS, the revisions to Alaska Statutes authorized a municipality to enact ordinances necessary
13 to enforce the revisions; now, therefore,
14

15 THE ANCHORAGE ASSEMBLY ORDAINS:
16

17 **Section 1.** Anchorage Municipal Code section 9.30.235 is amended to change the title of the
18 section and to read as follows:
19

20 **9.30.235 Parking reserved for persons with disabilities [HANDICAP PARKING].**
21

22 A. No person may stop, stand or park a motor vehicle in [A] parking reserved [SPACE
23 DESIGNATED] for a person with disabilities [HANDICAP PARKING ONLY],
24 whether such parking space is on public or private property, unless:
25

26 1. The person operating the vehicle has a special permit issued or approved by the
27 traffic engineer;
28

29 2. The person operating the vehicle has parked the vehicle for the purpose of
30 transporting a person who has a special permit issued or approved by the traffic
31 engineer and the person who has the special permit actually exits or enters the
32 vehicle;
33

34 3. The vehicle displays a special license plate issued to a person with a disability
35 and is operated by or used for the purpose of transporting a person with a
36 disability; or
37

38 4. The motor vehicle displays a special license plate or permit issued to persons
39 with disabilities by another state, province, territory, or country, and is being
40 operated by or used for the purpose of transporting a person with a disability.

Parking for persons with disabilities and increased fine for continued violation

[SUCH VEHICLE DISPLAYS A VALID HANDICAP 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, 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 by causing the vehicle to be immediately removed as provided by section 9.30.020C.4. Only a person who owns or controls a private parking area containing parking reserved for a person with a disability [A DESIGNATED HANDICAP-ONLY PARKING SPACE] may cause a vehicle parked in violation of this section to be removed and towed as provided in section 9.54.020E.

(AO No. 80-154; AO No. 83-28; AO No. 84-54; AIM 873-85; AO No. 89-52; AO No. 95-6, § 7, 5-16-95; AO No. 2004-119, § 1, 10-12-04)

Section 2. Anchorage Municipal Code section 9.30.280 is amended to read as follows (*the remainder of the section is not affected, and therefore not set out*):

9.30.280 Civil penalties for parking violations.

*** *** ***

B. In addition to any other penalty provided by law, a person who violates any of the following provisions shall be subject to the applicable civil penalties stated below:

TABLE INSET:

<u>Anchorage Municipal Code Provision</u>	<u>Civil Penalty</u>
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*** *** ***

9.30.235 on private property

First violation	100.00 250.00
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<u>Second</u> [Each subsequent] violation	250.00 350.00
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<u>Third and subsequent violation</u>	<u>500.00</u>
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9.30.235 on public property

First violation	100.00 250.00
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<u>Second</u> [Each subsequent] violation	250.00 350.00
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<u>Third and subsequent violation</u>	<u>500.00</u>
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*** *** ***

(AO No. 82-186(S); AIM 33-83; AO No. 2003-152S, § 5, 1-1-04; AO No. 2004-151, § 1, 1-1-05)

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

PASSED AND APPROVED by the Anchorage Assembly this 27th day of September, 2005.

Anna J. Fairclough
Chair of the Assembly

ATTEST:

Lynda S. Heim
Municipal Clerk
Deputy

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2005- 118

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
 SECTIONS 9.30.235 AND 9.30.280 REGARDING PARKING RESERVED
 FOR PERSONS WITH DISABILITIES AND INCREASING THE FINE FOR
 THIRD AND SUBSEQUENT VIOLATION OF RESERVED PARKING.

Sponsor: David Otto, Director, Employee Relations
 Preparing Agency: Employee Relations
 Others Impacted: Public Safety

CHANGES IN EXPENDITURES AND REVENUES:	(In Thousands of Dollars)				
	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>
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:

Economic impact will depend on the enforcement of the ordinance.

PRIVATE SECTOR ECONOMIC EFFECTS:

Economic impact will depend on the enforcement of the ordinance.

Prepared by: David Otto, Director, Employee Relations

Telephone: (907) 343-4399

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 652 -2005

Meeting Date: September 13, 2005

1 **From: MAYOR**

2
3 **Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS**
4 **9.30.235 AND 9.30.280 REGARDING PARKING RESERVED FOR PERSONS**
5 **WITH DISABILITIES AND INCREASING THE FINE FOR THIRD AND**
6 **SUBSEQUENT VIOLATION OF RESERVED PARKING.**

7
8 The Alaska State Legislature passed Senate Bill 206 in 2002, increasing the fine for third and
9 subsequent violation of parking reserved for disabled persons from \$250 to \$500, clarifying appropriate
10 use of parking reserved for persons with disabilities, and replacing the word "handicap" throughout
11 Alaska Statutes title 28 with the phrase "persons with disabilities".

12
13 Senate Bill 206 also authorized a municipality to amend its' ordinances as necessary to comply with
14 amendments to Alaska Statutes title 28. Those amendments are set out in the ordinance.

15
16
17 Prepared by: Paula Harrison, SPHR, Compliance Manager
18 Approved by: David K. F. Otto, Employee Relations Director
19 Concur: Denis C. LeBlanc, Municipal Manager
20 Respectfully submitted: Mark Begich, Mayor
21
22

HOUSE CS FOR CS FOR SENATE BILL NO. 206(FIN) am H
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/12/02
Offered: 5/12/02

Sponsor(s): SENATOR DONLEY

REPRESENTATIVE Meyer

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to registration plates and parking permits for persons with disabilities**
2 **and to illegal use of parking spaces for persons with disabilities."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 INTENT. It is the intent of this Act that local law enforcement agencies should use
7 volunteer citizens or volunteer citizen patrol groups to enforce the provisions of this Act
8 whenever possible.

9 * **Sec. 2.** AS 28.10.181(d) is amended to read:

10 (d) Vehicles owned by [DISABLED] veterans with disabilities, including
11 persons disabled in the line of duty while serving in the Alaska Territorial Guard, or
12 other persons with disabilities. Upon the request of a person with a disability that
13 limits or impairs the ability to walk, as defined in 23 C.F.R. 1235.2, the department
14 shall (1) register one passenger vehicle in the name of the person without charge; and

(2) issue a specially designed registration plate that displays (A) recognition of the disabled veteran if the applicant's disability originated from the applicant's service with the Alaska Territorial Guard or the armed forces of the United States; and (B) the international [STANDARD] symbol of accessibility [DISABILITY] (the wheelchair logo). A disabled veteran who is not otherwise qualified under this subsection, but who presents to the department written proof that the person has [IS] at least a 70 percent disability [DISABLED OR MEDICALLY HANDICAPPED] as a consequence of service in the Alaska Territorial Guard or the armed forces of the United States, may register one passenger vehicle without charge, and the department shall issue a specially designed registration plate that displays recognition of the disabled veteran that does not display the international [STANDARD HANDICAP] symbol of accessibility and does not carry with it special parking privileges. For purposes of this subsection, proof of disability may be provided by a person licensed as a physician under AS 08.64 or as an advanced nurse practitioner under AS 08.68.

* **Sec. 3.** AS 28.10.421(d)(3) is amended to read:

(3) a vehicle owned by a [DISABLED VETERAN OR OTHER HANDICAPPED] person with a disability [,] and registered under AS 28.10.181, or by a resident 65 years of age or older who files a written application for an exemption on a form prescribed by the department none;

* **Sec. 4.** AS 28.10.441 is amended to read:

Sec. 28.10.441. Schedule of other fees and charges. The following fees and charges are imposed by the department for the stated services which it provides:

- (1) title fee, including transfer of title \$ 5;
- (2) lien filing fee \$ 5;
- (3) replacement of any registration plate set, including special request plates \$ 5;
- (4) duplicate of original certificate of title \$ 5;
- (5) duplicate of certificate of registration \$ 2;
- (6) temporary preregistration permit issued under AS 28.10.031 .. none;
- (7) special transport permit issued under AS 28.10.151 \$ 5;
- (8) special permit for vehicle used for transport of a [DISABLED OR

1 HANDICAPPED] person with a disability issued under AS 28.10.495 none.

2 * Sec. 5. AS 28.10.495 is amended to read:

3 **Sec. 28.10.495. Parking permit for vehicle transporting a [DISABLED]**
4 **person with a disability.** (a) Upon application by a [DISABLED OR MEDICALLY
5 HANDICAPPED] person with a disability, or by an organization that transports
6 [DISABLED OR MEDICALLY HANDICAPPED] persons with disabilities, the
7 department or a person authorized by the department shall issue to the applicant,
8 without charge, a special permit bearing the control number of the applicant. The
9 permit issued under this section, when displayed in the front windshield of a parked or
10 standing vehicle, shall provide for special consideration by the public with respect to
11 the parking or standing in designated spaces of a vehicle that is being used for the
12 transportation of a [DISABLED OR MEDICALLY HANDICAPPED] person with a
13 disability.

14 (b) A person is not entitled to use the special permit provided for in (a) of this
15 section except when providing transportation for a [DISABLED OR
16 HANDICAPPED] person with a disability. Upon the death of a [DISABLED OR
17 HANDICAPPED] person with a disability to whom a special permit has been issued,
18 the special permit shall be returned to the department. If an organization to which a
19 special permit has been issued ceases transporting [DISABLED OR HANDICAPPED]
20 persons with disabilities, or ceases operating, it shall return the special permit to the
21 department.

22 (c) Proof of disability [DISABLEMENT OR MEDICAL HANDICAP], for
23 the purpose of this section, shall be the same as that required for the purposes of
24 AS 28.10.181(d).

25 * Sec. 6. AS 28.15.231(b) is amended to read:

26 (b) Except as otherwise provided in AS 28.35.235(b), points [POINTS] may
27 not be assessed for violating a provision of a state law or regulation or a municipal
28 ordinance regulating standing, parking, equipment, size, or weight; nor may points be
29 assessed for violations by pedestrians, passengers, or bicycle riders, or for violations
30 of provisions relating to the preservation of the condition of traffic-control devices on
31 the highways. Points shall be assessed for violations of oversize or overweight

1 permits relating only to restrictions upon speed or hours of operation.

2 * **Sec. 7.** AS 28.35.235 is amended to read:

3 **Sec. 28.35.235. Unauthorized use of parking reserved for persons with**
 4 **disabilities; penalties [HANDICAPPED PARKING; MINIMUM FINE].** (a) A
 5 person may not park a motor vehicle in a parking place reserved for **a person with a**
 6 **disability** [DISABLED OR MEDICALLY HANDICAPPED PERSONS] unless

7 (1) the person **operating the vehicle** has a special permit issued by the
 8 department under AS 28.10.495;

9 (2) **the person operating the vehicle has parked the vehicle for the**
 10 **purpose of transporting a person who has a special permit issued by the**
 11 **department under AS 28.10.495 and the person who has the special permit**
 12 **actually exits or enters the vehicle;**

13 (3) the motor vehicle displays a special license plate issued to **a person**
 14 **with a disability** [DISABLED OR HANDICAPPED PERSONS] under
 15 AS 28.10.181(d) **and is operated by or used for the purpose of transporting a**
 16 **person with a disability;** or

17 (4) [(3)] the motor vehicle displays a special license plate or permit
 18 issued to [DISABLED OR HANDICAPPED] persons **with disabilities** by another
 19 state, province, territory, or country **and is being operated by or used for the**
 20 **purpose of transporting a person with a disability.**

21 (b) A person who violates this section is guilty of an infraction. Upon
 22 conviction, the court shall impose a fine of not less than **\$125, or, if the person has**
 23 **been previously convicted under this section, the court shall impose a fine of not**
 24 **less than \$250. However, a person who violates this section and who was, at the**
 25 **time of the violation, operating a vehicle displaying a special license plate issued**
 26 **under AS 28.10.181(d) or a special permit issued under AS 28.10.495(a) shall,**
 27 **upon conviction, pay a fine of \$250 or, if the person has been previously convicted**
 28 **under this section, pay a fine of \$500** [\$100].

29 * **Sec. 8.** AS 28.35.235 is amended by adding a new subsection to read:

30 (c) A municipality may enact ordinances necessary to enforce this section.

Content Information

Content ID : 003220

Type: Ordinance - AO

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
SECTIONS 9.30.235 AND 9.30.280 REGARDING PARKING

Title: RESERVED FOR PERSONS WITH DISABILITIES AND INCREASING
THE FINE FOR THIRD AND SUBSEQUENT VIOLATIONS OF
RESERVED PARKING

Author: mooreka

Initiating Dept: ER

Date Prepared: 8/23/05 9:35 AM

Assembly

Meeting Date 9/13/05

MM/DD/YY:

Public Hearing

Date 9/27/05

MM/DD/YY:

2005 SEP -6 PM 12:51
 CLERKS OFFICE

M.O.A.

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	8/23/05 9:40 AM	Checkin	mooreka	Public	003220
ER_SubWorkflow	8/23/05 9:45 AM	Approve	mooreka	Public	003220
OMB_SubWorkflow	8/23/05 2:20 PM	Approve	mitsonjl	Public	003220
AllOrdinanceWorkflow	8/23/05 2:29 PM	Reject	fehlenrl	Public	003220
AllOrdinanceWorkflow	8/25/05 8:59 AM	Checkin	mooreka	Public	003220
ER_SubWorkflow	8/25/05 8:59 AM	Approve	mooreka	Public	003220
OMB_SubWorkflow	8/25/05 9:22 AM	Approve	mitsonjl	Public	003220
Legal_SubWorkflow	8/25/05 10:44 AM	Approve	fehlenrl	Public	003220
MuniManager_SubWorkflow	9/3/05 11:15 AM	Approve	leblancdc	Public	003220
MuniMgrCoord_SubWorkflow	9/4/05 8:54 PM	Approve	abbottmk	Public	003220