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ASSEMBLY MEMBER HALL

Prepared by: Dept. of Law

For reading: December 14, 2010

*See As 2010-94(S)*

**ANCHORAGE, ALASKA  
AO No. 2010-94**

1 **AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE**  
2 **MUNICIPALITY OF ANCHORAGE AT THE REGULAR MUNICIPAL ELECTION ON**  
3 **APRIL 5, 2011, A BALLOT PROPOSITION AMENDING ANCHORAGE MUNICIPAL**  
4 **CHARTER ARTICLE XXI, MUNICIPAL VEHICLE CODE ENFORCEMENT**  
5 **STANDARDS, TO AUTHORIZE A LIMITED DELEGATION OF DOWNTOWN**  
6 **PARKING VIOLATION ENFORCEMENT TO A MUNICIPAL AGENCY OR**  
7 **MUNICIPAL AUTHORITY ONLY FOR THE DOWNTOWN AREA BOUNDED BY**  
8 **SHIP CREEK ON THE NORTH, GAMBELL STREET ON THE EAST, 10<sup>TH</sup> AVENUE**  
9 **ON THE SOUTH, AND M STREET ON THE WEST.**

10  
11 WHEREAS, absent voter approved amendment, Article 21 of the Anchorage  
12 Charter requires all parking enforcement to be performed by police officers; and  
13

14 WHEREAS, approval of this ordinance shall place Charter amendments to  
15 Article 21 on the April 5, 2011 ballot for voter approval; now, therefore,  
16

17 **THE ANCHORAGE ASSEMBLY ORDAINS:**

18  
19 **Section 1.** Pursuant to Anchorage Municipal Charter Article XVIII, a ballot  
20 proposition amending Charter Article 21, Municipal Vehicle Code Enforcement  
21 Standards, in substantially the following form and substance shall be submitted to the  
22 qualified voters of the Municipality of Anchorage at the next regular Municipal election  
23 to be held on April 5, 2011:  
24

25 **PROPOSITION NO. \_\_\_\_\_**

26  
27 **SHALL ANCHORAGE MUNICIPAL CHARTER ARTICLE XXI,**  
28 **MUNICIPAL VEHICLE CODE ENFORCEMENT STANDARDS, BE**  
29 **AMENDED TO AUTHORIZE A LIMITED DELEGATION OF**  
30 **DOWNTOWN PARKING VIOLATION ENFORCEMENT TO A**  
31 **MUNICIPAL AUTHORITY OR MUNICIPAL AGENCY ONLY FOR THE**  
32 **DOWNTOWN AREA BOUNDED BY SHIP CREEK ON THE NORTH,**  
33 **GAMBELL STREET ON THE EAST, 10<sup>TH</sup> AVENUE ON THE SOUTH,**  
34 **AND M STREET ON THE WEST, AS FOLLOWS:**

35  
36 Underlined words are proposed new words [BRACKETED WORDS ARE  
37 PROPOSED DELETIONS]

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39 **ARTICLE XXI. MUNICIPAL VEHICLE CODE ENFORCEMENT**  
40 **STANDARDS.**  
41

1           **Section 21.01. Vehicle violation enforcement.**

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

11  
12           **(b)** The Municipality may, by ordinance only, delegate  
13 enforcement of parking violations to a municipal agency or  
14 municipal authority. The allowable delegation is limited to  
15 enforcement of parking violations on both sides of named  
16 streets within the area bounded by Ship Creek on the north,  
17 Gambell Street on the east, 10<sup>th</sup> Avenue on the south, and M  
18 Street on the west.

19  
20  
21           (Prop. 3 of 4-15-97 election, effective 6-6-97, § 1)

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23           \*\*\*       \*\*\*       \*\*\*

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25           **Section 21.04. Prohibited enforcement and delegation of**  
26 **enforcement; enforcement in person; prohibited**  
27 **administrative enforcement.**

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29           **(a)** Enforcement of any part of the present or future state or  
30 Anchorage municipal vehicle laws or codes by anyone other  
31 than qualified police officers, except [QUALIFIED] as set forth in  
32 Section 21.01 above, is prohibited.

33  
34           **(b)** The Municipality [ANCHORAGE ASSEMBLY] may not delegate  
35 vehicle related enforcement powers to any agency other than  
36 [THE POLICE OFFICERS] as described in Section 21.01 above, nor  
37 shall they delegate by ordinance, contract, or otherwise such  
38 powers to anyone except [OTHER THAN POLICE OFFICERS  
39 QUALIFIED] as set forth in Section 21.01 above.

40  
41           **(c)** Any and all vehicle law or code enforcement activity pursuant  
42 to this Article XXI shall [BY SUCH A POLICE OFFICER MUST] be  
43 performed in person. Any vehicle law [LAY (SIC)] or code  
44 enforcement powers which may currently exist, other than  
45 those [VESTED IN POLICE OFFICERS AS] described in Section  
46 21.01 above, are null and void.  
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AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE MUNICIPALITY OF ANCHORAGE AT THE REGULAR MUNICIPAL ELECTION ON APRIL 5, 2011, A BALLOT PROPOSITION AMENDING ANCHORAGE MUNICIPAL CHARTER ARTICLE 24, MUNICIPAL VEHICLE CODE

**Title:** ENFORCEMENT STANDARDS, TO AUTHORIZE A LIMITED DELEGATION OF DOWNTOWN PARKING VIOLATION ENFORCEMENT TO A MUNICIPAL AGENCY OR MUNICIPAL AUTHORITY ONLY FOR THE DOWNTOWN AREA BOUNDED BY SHIP CREEK ON THE NORTH, GAMBELL STREET ON THE EAST, 10<sup>TH</sup> AVENUE ON THE SOUTH, AND M STREET ON THE WEST.

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**Initiating Dept:** Legal

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OMB_SubWorkflow	12/10/10 10:53 AM	Approve	Cheryl Frasca	Public	009712
Legal_SubWorkflow	12/10/10 9:38 AM	Approve	Dean Gates	Public	009712
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*D. A. Dearden*