

CLERK'S OFFICE
AMENDED AND APPROVED

Date: 6-28-11

Submitted by: ASSEMBLY VICE CHAIR HALL
ASSEMBLY MEMBER BIRCH
Prepared by: Dept. of Law
For reading: May 24, 2011

ANCHORAGE, ALASKA
AO No. 2011-65 As Amended

1 **AN ORDINANCE AUTHORIZING A LIMITED DELEGATION OF DOWNTOWN**
2 **ENFORCEMENT OF PARKING VIOLATIONS, WITHIN THE AREA BOUNDED BY**
3 **SHIP CREEK ON THE NORTH, GAMBELL STREET ON THE EAST, 10TH AVENUE**
4 **ON THE SOUTH, AND M STREET ON THE WEST, TO THE ANCHORAGE**
5 **COMMUNITY DEVELOPMENT AUTHORITY AND AMENDING ANCHORAGE**
6 **MUNICIPAL CODE CHAPTER 25.35.**

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8
9 **WHEREAS**, on April 5, 2011, the qualified voters of the Municipality of Anchorage
10 approved Ballot Proposition 10 (AO 2010-94(S)), amending Anchorage Municipal
11 Charter Article XXI, Municipal Vehicle Code Enforcement Standards, to authorize a
12 limited delegation of downtown parking violation enforcement to a municipal agency
13 or municipal authority, for the downtown area bounded by Ship Creek on the north,
14 Gambell Street on the east, 10th Avenue on the south, and M Street on the West; and
15

16 **WHEREAS**, the purpose and intent of the ballot prop was to authorize a designated
17 municipal agency or authority to enforce "parking violations" in the downtown
18 business area; and
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20 **WHEREAS**, the term "parking violations" is limited to violations related to parking
21 including [BUT NOT LIMITED TO] expired or covered or malfunctioning parking
22 meters, posted loading zones, red zones, closures for snow plowing or other
23 permitted activities, parking in fire zone or in front of a fire hydrant, handicapped
24 parking, and improper parking; and
25

26 **WHEREAS**, the term "parking violations" does not include violations unrelated to
27 parking including [BUT NOT LIMITED TO] expired license plates, expired license
28 tags, studded tires, expired registration or expired I/M certifications; and
29

30 **WHEREAS**, the delegation to a municipal agency or municipal authority does not
31 preclude continued or concurrent enforcement of parking violations by the Anchorage
32 Police Department; and
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34 **WHEREAS**, the Charter amendment approved by the voters requires the
35 Municipality to delegate, by ordinance, enforcement of parking violations; now,
36 therefore,
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38 **THE ANCHORAGE ASSEMBLY ORDAINS:**
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40 **Section 1.** Pursuant to Charter Article 21, Municipal Vehicle Code Enforcement
41 Standards, a delegation of enforcement of parking violations to the Anchorage
42 Community Development Authority, limited to the downtown area, bounded by
43 Ship Creek on the north, Gambell Street on the east, 10th Avenue on the south, and
44 M Street on the West, is approved.
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Section 2. Anchorage Municipal Code chapter 25.35 is amended to add a new section to read as follows:

25.35.025 Delegation of authority for enforcement of parking violations.

A. The Anchorage Community Development Authority is authorized to enforce parking violations. This delegation is limited in both scope and area.

B. The authorization to enforce parking violations is limited to the downtown area bounded by Ship Creek on the north, Gambell Street on the east, 10th Avenue on the south, and M Street on the West.

C. As used in this section, the phrase “parking violations” includes violation of code or municipal regulations governing:

- 1. Expired or covered parking meters (sections 9.34.040, 9.34.080B.);**
- 2. Posted loading zones (sections 9.32.020, 9.32.030, 9.32.050, 9.32.60 and 9.32.070);**
- 3. Red zones (section 9.30.030A.10.);**
- 4. Closures for snow plowing or other permitted activities (sections 9.14.030A., 9.30.130, 24.25.040A., B., C., or D., and section 24.25.060);**
- 5. Parking in fire zone or in front of a fire hydrant (section 9.30.030A.11-12);**
- 6. Parking reserved for persons with disabilities (section 9.30.235A. and municipal regulation section 9.06.002F.); and**
- 7. Improper parking (sections 9.30.010A., 9.30.030A. and B., sections 9.34.030C. and D.).**

~~G. As used in this section, “parking violations” includes[, BUT IS NOT LIMITED TO]:~~

- ~~1. Expired or covered or malfunctioning parking meters;~~
- ~~2. Posted loading zones;~~
- ~~3. Red zones;~~
- ~~4. Closures for snow plowing or other permitted activities;~~
- ~~5. Parking in fire zone or in front of a fire hydrant;~~
- ~~6. Handicapped parking; and~~
- ~~7. Improper parking.~~
- ~~8. “Parking violations” does not include violations unrelated to parking, such as expired license plates, expired license tags, studded tires, expired registration or expired I/M certifications.~~

D. “Enforce” for purposes of this section does not include independent authority to boot a vehicle or impound a vehicle by seizure and removal under section 9.30.260. Booting or impoundment by seizure and removal by the Anchorage

Community Development Authority shall only be at the direction of a police officer.

D. The delegation of enforcement of parking violations to the Anchorage Community Development Authority is for an initial period of three (3) years, subject to reauthorization. The delegation of enforcement shall come before the Assembly for review and renewal and shall terminate by operation of law on June 30, 2014 unless affirmatively continued by ordinance prior to expiration.

E. "Parking violations" does not include violations unrelated to parking, including expired license plates (section 9.30.155A.), expired license tags (section 9.30.155A.), studded tires (section 9.30.230), expired registration (sections 9.30.155A.4. and 9.52.030), or expired I/M certifications (sections 15.080.010A. and 15.80.060C.).

F. Current municipal parking codes enforceable under the limited delegation shall be published electronically on the Anchorage Community Development Authority municipal website.

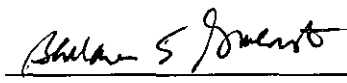
G. The delegation of enforcement of parking violations to the Anchorage Community Development Authority is for an initial period of three (3) years, subject to reauthorization. The delegation of enforcement shall come before the Assembly for review and renewal and shall terminate by operation of law on June 30, 2014 unless affirmatively continued by ordinance prior to expiration.

Section 3. This ordinance shall be effective on August [JULY] 1, 2011.

PASSED AND APPROVED by the Anchorage Assembly this 28th day of June, 2011.


Chair of the Assembly

ATTEST:


Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 380-2011

Meeting Date: June 28, 2011

From: ASSEMBLY VICE CHAIR HALL
Subject: **AO 2011- 65 — AN ORDINANCE AUTHORIZING A LIMITED DELEGATION
OF DOWNTOWN ENFORCEMENT OF PARKING VIOLATIONS TO THE
ANCHORAGE COMMUNITY DEVELOPMENT AUTHORITY**

The purpose of this ordinance, and the ballot proposition approved by Anchorage voters on April 5, 2011 authorizing this approach, is to improve the business climate in downtown Anchorage. These basic tenets have been articulated in deliberative comments, including those from the downtown district's Assembly Member Flynn, and are incorporated here to underscore their importance.

Visitors, vendors, government offices, businesses, workers, clientele, and the public need safe, reasonable, and reliable access to all the services and amenities downtown Anchorage has to offer. For the Anchorage Community Development Authority (ACDA), providing good customer service means promoting alternative locations for parking, such as the downtown public parking garages and surface lots under municipal management, and working with the community to educate us on all the good things that we can do to enjoy downtown Anchorage without getting a parking ticket.

Business development is key to our continued success as a community, and the Anchorage Community Development Authority is entrusted with the mission of making sure parking in downtown is not a barrier to that success. The Anchorage Assembly looks forward to hearing back from the Anchorage Community Development Authority on successful implementation, and identification of any measures that would improve or enhance implementation and the success of this mission.

Other vehicle-related expirations, such as expired license plates, expired license tags, out-of-season snow tires, and the like, are not business development concerns for the Anchorage Community Development Authority under the limited delegation of this ordinance. Municipal parking code and regulations enforceable by ACDA under AO 2011-65 include expired meters, parking in red zones, and improper parking as listed in this ordinance, and the Anchorage Community Development Authority shall ensure that the full list of parking violations enforceable downtown by ACDA is posted online as part of its community outreach. As municipal code is updated, the Anchorage Community Development Authority will continue to update the online posting and community outreach to promote safe, reasonable, and reliable access to downtown.

Respectfully submitted: Ernie Hall - Assembly Vice Chair, Section 3