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Submitted by: ASSEMBLY MEMBER FLYNN

Prepared by: Assembly Counsel For reading: October 25, 2011

Date: ||-8-11

## ANCHORAGE, ALASKA AO NO. 2011–107

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY TO CLARIFY DESIGNATION OF THE ANCHORAGE POLICE DEPARTMENT AS THE EXCLUSIVE ENFORCEMENT AUTHORITY FOR PARKING RESTRICTIONS CREATED UNDER THE RESIDENTIAL PARKING ZONE PROGRAM IN CHAPTER 9.65 WITH NO DELEGATION TO THE ANCHORAGE COMMUNITY DEVELOPMENT AUTHORITY UNDER AMC 25.35.025.

WHEREAS, pursuant to voter approval on April 5, 2011, the Anchorage Municipal Charter Article XXI was amended to authorize a limited delegation of downtown parking violation enforcement to a municipal agency; and

WHEREAS, by Anchorage Ordinance No 2011-65, as amended, the Anchorage Municipal Assembly approved delegation, limited in both scope and area, to the Anchorage Community Development Authority; and

WHEREAS, it is not the intent of the Anchorage Assembly to change the administrative and due process function of the Anchorage Community Development Authority established under AMC Chapter 9.65, the residential parking zone program, nor to change exclusive Anchorage Police Department enforcement jurisdiction on parking restrictions created under the residential parking zone program; now therefore,

#### THE ANCHORAGE ASSEMBLY ORDAINS:

<u>Section 1.</u> Anchorage Municipal Code section 9.65.080 is hereby amended to read as follows (language indicating no amendment is included for context only and other subsections not affected are not set out):

### 9.65.080 Enforcement of parking restrictions; violations.

A. Parking restrictions established pursuant to an approved residential parking program shall be subject to enforcement by the Anchorage Police Department in the manner described in Sections 9.30.240 through 9.30.320, with administrative notice and right to be heard by the Anchorage Community Development Authority.

(AO No. 85-171, 1-1-86; AO No. 2008-124(S), § 22, 5-26-09)

<u>Section 2.</u> Anchorage Municipal Code section 25.35.025 is hereby amended to read as follows (*language indicating no amendment is included for context only and other subsections not affected are not set out*):

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#### 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, 10<sup>th</sup> Avenue on the south, and M Street on the West, exclusive of parking restrictions established pursuant to an approved residential parking program under chapter 9.65.

(AO No. 2011-65(AM), § 2, 5-24-11)

<u>Section 3.</u> This ordinance shall become effective upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_\_, 2011.

Dellai Ossiender

ATTEST:

Municipal Clerk



## **MUNICIPALITY OF ANCHORAGE**

#### **ASSEMBLY MEMORANDUM**

No. AM 593-2011

Meeting Date: October 25, 2011

From:

**ASSEMBLY MEMBER FLYNN** 

Subject:

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY TO CLARIFY DESIGNATION OF THE ANCHORAGE POLICE DEPARTMENT AS THE EXCLUSIVE ENFORCEMENT AUTHORITY FOR PARKING RESTRICTIONS CREATED UNDER THE RESIDENTIAL PARKING ZONE PROGRAM IN CHAPTER 9.65 WITH NO DELEGATION TO THE ANCHORAGE COMMUNITY DEVELOPMENT AUTHORITY UNDER AMC 25.35.025.

At present, there are four Residential Parking Zones (RPZ) established under AMC Chapter 9.65:

Bootleggers Cove

- South Addition
- Fairview
- College Village

With the exception of college Village, each RPZ abuts the parking enforcement area granted to the Anchorage Community Development Authority (ACDA) under the limited delegation in AMC 25.35.025: M Street for Bootleggers Cove; 10<sup>th</sup> Avenue for South Addition and Fairview.

Traditionally RPZ enforcement is complaint-driven. The Anchorage Police Department (APD) responds to resident concerns when non-residents oversubscribe available on-street parking for excessive periods of time.

Residential parking zone restrictions were not contemplated by the Assembly in making the delegation to ACDA of limited scope and area under AO 2011-65, as amended, effective August 1, 2011. When the delegation in AO 2011-65, now codified in AMC 25.35.025, is read to include RPZ enforcement, it creates inequities in the enforcement of RPZ restrictions: ACDA could only issue parking citations in one small section of three RPZs, but not in the remainder of those zones; and ACDA cannot issue any citations in the fourth RPZ (College Village).

The purpose of the proposed ordinance is to clarify the RPZ enforcement regime by clearly delineating APD as the sole enforcement authority for RPZs, retaining ACDA's administrative and due process hearing support, and extricating ACDA from an awkward situation not contemplated in the delegation of parking enforcement authority to ACDA in AMC 25.35.025. Respectfully submitted:

Patrick Flynn

Assembly Member, Section 1