

Submitted by: ASSEMBLY VICE CHAIR FLYNN  
ASSEMBLY MEMBER HALL

Prepared by: Dept. of Law  
For reading: January 11, 2011

CLERK'S OFFICE

**AMENDED AND APPROVED**

Date: 1-11-11

**ANCHORAGE, ALASKA  
AO No. 2010- 94(S)**

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 SHIP  
8 CREEK ON THE NORTH, GAMBELL STREET ON THE EAST, 10<sup>TH</sup> AVENUE ON  
9 THE SOUTH, AND M STREET ON THE WEST.

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

13  
14 **WHEREAS**, approval of this ordinance shall place Charter amendments to Article 21  
15 on the April 5, 2011 ballot for voter approval; now, therefore,

16  
17 **THE ANCHORAGE ASSEMBLY ORDAINS:**

18  
19 **Section 1. The purpose and intent of this ballot proposition is to authorize a**  
20 **designated municipal agency or authority to enforce "parking violations" in the**  
21 **downtown business area. The term "parking violation" is limited to violations**  
22 **related to parking; parking violations include, but are not limited to, expired or**  
23 **covered or malfunctioning parking meters, posted loading zones, red zones,**  
24 **closures for snow plowing or other permitted activities, parking in fire zone or**  
25 **front of a fire hydrant, handicapped parking, and improper parking. The term**  
26 **"parking violation" does not include violations unrelated to parking including,**  
27 **but are not limited to, expired license plates, expired license tags, studded tires,**  
28 **expired registration, or expired I/M certifications.**

29  
30 **Section 2 [1].** Pursuant to Anchorage Municipal Charter Article XVIII, a ballot  
31 proposition amending Charter Article 21, Municipal Vehicle Code Enforcement  
32 Standards, in substantially the following form and substance shall be submitted to the  
33 qualified voters of the Municipality of Anchorage at the next regular Municipal election  
34 to be held on April 5, 2011:

35  
36 **PROPOSITION NO. \_\_\_\_\_**

37  
38 **SHALL ANCHORAGE MUNICIPAL CHARTER ARTICLE XXI,**  
39 **MUNICIPAL VEHICLE CODE ENFORCEMENT STANDARDS, BE**  
40 **AMENDED TO AUTHORIZE A LIMITED DELEGATION OF**

1        **DOWNTOWN PARKING VIOLATION ENFORCEMENT TO A**  
2        **MUNICIPAL AUTHORITY OR MUNICIPAL AGENCY ONLY FOR THE**  
3        **DOWNTOWN AREA BOUNDED BY SHIP CREEK ON THE NORTH,**  
4        **GAMBELL STREET ON THE EAST , 10<sup>TH</sup> AVENUE ON THE SOUTH,**  
5        **AND M STREET ON THE WEST, AS FOLLOWS:**

6  
7        Underlined words are proposed new words [BRACKETED WORDS ARE PROPOSED  
8        DELETIONS]

9  
10       **ARTICLE XXI. MUNICIPAL VEHICLE CODE ENFORCEMENT**  
11       **STANDARDS.**

12  
13       **Section 21.01. Vehicle violation enforcement.**

14  
15       (a) No enforcement of any vehicle violation, whether the vehicle is  
16       parked or in motion may be performed by the Municipality of  
17       Anchorage by any persons other than a regularly sworn police  
18       officer who meets the standards set forth in AS 18.65.290(5)(A)  
19       or (B). Such enforcement includes, but is not limited to, any  
20       and all civil or criminal statutes, codes, ordinances or  
21       regulations which apply to the regulation of vehicles and which  
22       currently exist or may exist in the future.

23  
24       (b) The Municipality may, by ordinance only, delegate enforcement  
25       of parking violations to a municipal agency or municipal  
26       authority. The allowable delegation is limited to enforcement of  
27       parking violations on both sides of named streets within the  
28       area bounded by Ship Creek on the north, Gambell Street on  
29       the east, 10<sup>th</sup> Avenue on the south, and M Street on the west.

30  
31       (Prop. 3 of 4-15-97 election, effective 6-6-97, § 1)

32  
33       \*\*\*       \*\*\*       \*\*\*

34       **Section 21.04. Prohibited enforcement and delegation of**  
35       **enforcement; enforcement in person; prohibited**  
36       **administrative enforcement.**

37  
38       (a) Enforcement of any part of the present or future state or  
39       Anchorage municipal vehicle laws or codes by anyone other  
40       than qualified police officers, except [QUALIFIED] as set forth in  
41       Section 21.01 above, is prohibited.

42  
43       (b) The Municipality [ANCHORAGE ASSEMBLY] may not delegate  
44       vehicle related enforcement powers to any agency other than  
45       [THE POLICE OFFICERS] as described in Section 21.01 above, nor  
46       shall they delegate by ordinance, contract, or otherwise such  
47       powers to anyone except [OTHER THAN POLICE OFFICERS]

1 QUALIFIED] as set forth in Section 21.01 above.

2  
3 **(c)** Any and all vehicle law or code enforcement activity pursuant to  
4 this Article XXI shall [BY SUCH A POLICE OFFICER MUST] be  
5 performed in person. Any vehicle law [LAY (SIC)] or code  
6 enforcement powers which may currently exist, other than those  
7 [VESTED IN POLICE OFFICERS AS] described in Section 21.01  
8 above, are null and void.

9  
10 **(d)** Review of all vehicle law and code enforcement, within the  
11 Municipality of Anchorage shall be, and remain with, the judicial  
12 branch of government as described in Article IV of the Alaska  
13 Constitution, with such right of appeal as the law provides.

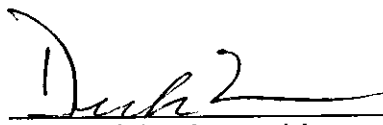
14  
15 **(e)** This law is not to be construed as defining the jurisdiction of  
16 courts or prescribing their rules, rather, this ordinance declares  
17 that the Municipality shall not enforce any motor vehicle  
18 ordinance or policy by way of administrative process.

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

21  
22 **Section 3. This ordinance shall become effective immediately upon passage**  
23 **and approval by two-thirds vote of the Assembly.**

24  
25 **Section 3 [4][2].** The Proposition in Section ~~2 [1]~~ of I[t]his ordinance shall become  
26 effective on June 1, 2011 if, and only if, said Proposition is passed by a majority of the  
27 qualified voters in the Municipality of Anchorage voting on this Proposition on April 5,  
28 2011.

29  
30  
31 PASSED AND APPROVED by the Anchorage Assembly this 11<sup>th</sup> day of  
32 January, 2011.

33  
34  
35   
36 \_\_\_\_\_  
37 Chair of the Assembly

38 ATTEST:

39   
40 \_\_\_\_\_  
41 Municipal Clerk