

1 IN THE SENATE

BY SENATOR MOODY BY REQUEST

2

SENATE BILL NO. 27

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6 For an Act entitled: "An Act to provide for the planning,
7 design, location, financing, acquisition
8 of property for, construction, altera-
9 tion, enlargement, use, maintenance,
10 operation, and fostering of off-street
11 automobile parking facilities; for the
12 creation of parking facilities divisions
13 in the municipalities; and for other
14 purposes."

15 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA;

16 Section 1. DECLARATION OF POLICY. The Legislature hereby
17 determines and declares that excessive curb parking of motor
18 vehicles on streets and highways in urban and metropolitan
19 areas and the lack of adequate off-street parking facilities
20 create congestion, obstruct the free circulation of traffic,
21 diminish property values, and endanger the health, safety, and
22 general welfare of the public; that the provision of conven-
23 iently located off-street parking facilities, attractive in cost,
24 and the simultaneous public control of curb parking are there-
25 fore necessary to alleviate such conditions; and that the
26 establishment of public off-street automobile parking facili-
27 ties and fostering the provision of commercial and special-
28 purpose off-street automobile parking facilities are deemed to
29 be a proper public or municipal function.

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1 Sec. 2. DEFINITIONS OF TYPES OF PARKING FACILITIES. For
2 purposes of this Act:

3 (1) "Public off-street automobile parking facili-
4 ties" are defined as accommodations provided by public authority
5 for the parking of automobiles off the street or highway, and
6 open to public use, with or without charge. Such facilities
7 may be publicly owned and publicly operated, or they may be
8 publicly owned and privately operated;

9 (2) "Commercial off-street automobile parking
10 facilities" are defined as accommodations provided by private
11 enterprise for the parking of automobiles off the street or
12 highway, open to public use for a fee;

13 (3) "Special-purpose off-street automobile parking
14 facilities" are defined as accommodations provided by public
15 authorities, private groups, or individuals for restricted use
16 in connection with public improvements, particular businesses,
17 theaters, hotels, and other private enterprises, or combina-
18 tions thereof, or as adjuncts to housing developments or private
19 residences. Such facilities may or may not be jointly estab-
20 lished and operated;

21 (4) "Cooperative off-street automobile parking
22 facilities" are defined as accommodations provided by joint
23 action of public and private interests. Parking facilities may
24 consist of lots, garages, or other structures, and accessories;
25 they may be surface facilities or facilities above or under the
26 ground.

27 Sec. 3. CREATION OF PARKING FACILITIES DIVISIONS. The
28 city council of each municipality is hereby authorized to
29 create a parking facilities department within its organization,

1 - for the purpose of establishing public off-street automobile
2 parking facilities and of fostering the provision of commercial
3 and special-purpose off-street automobile parking facilities
4 within its jurisdiction. The person placed in charge of the
5 department shall be either a qualified resident of the city, or
6 an existing commission, officer or employee of the city.

7 Sec. 4. AUTHORITY TO ESTABLISH PARKING FACILITIES. Each
8 municipality, acting alone or in cooperation with any Federal,
9 Territorial, or local private or public agency, is hereby
10 authorized, through its respective parking facilities depart-
11 ment, to plan, design, locate, finance, acquire property for,
12 construct, alter, enlarge, use, maintain, operate, lease
13 (either as lessee or lessor), otherwise provide, or foster the
14 provision of public, commercial, or special-purpose off-street
15 automobile parking facilities, wherever and to the extent that
16 such facilities are deemed necessary or desirable within its
17 respective jurisdiction. Said municipality, in addition to
18 the specific powers granted by this Act, shall also have and
19 may exercise, relative to automobile parking facilities, any
20 and all additional authority now or hereafter vested in such
21 municipality, within its respective jurisdiction. Said munici-
22 pality may regulate, restrict, or prohibit the use of off-street
23 parking facilities in a manner consistent with the purpose for
24 which such facilities are established.

25 Sec. 5. PLANNING FOR PARKING FACILITIES. The municipality,
26 after thorough investigation of the parking problem within its
27 jurisdiction, may formulate, for public presentation, a master
28 plan of automobile parking facilities, as a guide for the future
29 provision of parking facilities, properly integrated with pre-

1 sent and proposed traffic facilities, subject to alteration as
2 necessary. A program of construction and methods of financing
3 may likewise be formulated. Planning for automobile parking
4 facilities shall be reconciled, insofar as possible, with the
5 overall master plan of the area. Provision of parking facili-
6 ties under this Act shall be properly integrated with the pro-
7 vision of parking facilities required by zoning ordinances,
8 building codes, or subdivision regulations.

9 Sec. 6. DESIGN OF PARKING FACILITIES. Each municipality
10 is authorized to so design and locate any off-street automobile
11 parking facility as to best serve the public purpose for which
12 such facility is intended. Such facilities may consist of
13 improved or unimproved lots, single or multilevel garages,
14 other structures and accessories, or any combination of these
15 features. They may be surface facilities or facilities above
16 or under the ground.

17 Sec. 7. FINANCING OF PARKING FACILITIES. Each munici-
18 pality is hereby authorized, subject to specific authorization
19 and approval of its city council, to finance the planning,
20 design, acquisition of property for, construction, alteration,
21 enlargement, maintenance, or operation of parking facilities
22 by any one or any combination of the following methods:
23 (1) general obligation bonds within legal debt limitations, or
24 revenue bonds payable solely out of revenue from parking facili-
25 ties, in such amounts, at an interest rate, and upon conditions
26 prescribed by the city councils of the respective municipali-
27 ties; (2) special or benefit assessments, equal to the total
28 cost of land and improvements or only a portion thereof, to be
29 assessed against benefited property in proportion to benefit

1 derived, to be paid in not to exceed 10 annual installments at
2 interest not to exceed 6 percent per annum. Such benefit
3 assessments are to be determined in accordance with established
4 Territorial and local special assessment practice, after proper
5 notice and hearing, subject to approval by the respective city
6 councils; (3) parking fees and special charges, to be levied
7 at the discretion of the respective municipalities, derived
8 from the use of off-street parking facilities by motorists,
9 lessees, concessionaires or others. All such fees and charges
10 shall be reasonable and shall be imposed only to further the
11 purposes of this Act; (4) general fund appropriations, to the
12 extent deemed necessary or desirable; (5) Territorial and
13 Federal grants and local aids, to the extent available for the
14 provision of off-street parking facilities; (6) parking-motor
15 revenues; (7) general property taxes; (8) gift, bequest, devise,
16 grant, or otherwise.

17 Sec. 8. ACQUISITION OF PROPERTY AND PROPERTY RIGHTS. For
18 the purposes of this Act, each municipality is hereby authorized
19 to acquire private or public, real or personal, property and
20 property rights, above, at, or below the surface of the earth,
21 necessary or desirable of off-street automobile parking
22 facilities, by purchase, condemnation, gift, lease, bequest,
23 devise, or grant, in the same manner as such municipality is
24 now or hereafter may be authorized by law to acquire such pro-
25 perty or property rights in connection with streets and highways
26 within its jurisdiction. Wherever possible, property acquired
27 under the provisions of this Act shall be in fee simple. Court
28 proceedings necessary to acquire property or property rights for
29 purposes of this Act shall take precedence over all other

1 caused not involving the public interest in all courts, to the
2 end that the provision of parking facilities be expedited.
3 Said municipality may sell, encumber, lease, exchange, or other-
4 wise dispose of property and property rights acquired hereunder
5 if, by so doing, the interest of the public will be best served.

6 Sec. 9. CONSTRUCTION OF PARKING FACILITIES. Each munici-
7 pality is hereby authorized to construct, or cause to be con-
8 structed, public off-street automobile parking facilities,
9 above, at, or below the surface of the earth, including build-
10 ings, structures, equipment, entrances, exits, fencing, and all
11 other accessories necessary or desirable for the safety and
12 convenience of motorists using the facilities.

13 Sec. 10. MAINTENANCE AND OPERATION OF PARKING FACILITIES.
14 Each municipality is hereby authorized to maintain and operate
15 public off-street automobile parking facilities or to contract
16 therefor, or lease the same by competitive bidding to any
17 individual, firm, or corporation, upon such terms and conditions
18 as the public interest may warrant. Reasonable regulations for
19 the orderly use of parking facilities may be prescribed by the
20 respective municipalities as well as a schedule of parking fees
21 and other charges. Necessary and qualified persons may be
22 employed by the respective municipalities or may hereafter be
23 employed.

24 Sec. 11. RECORDS AND REPORTING. Each municipality,
25 through its parking facilities department, shall maintain proper
26 accounting and financial records of all transactions, and pro-
27 vide annual financial statements.

28 Sec. 12. AUTHORITY OF MUNICIPALITIES TO CONSENT. Each
29 municipality is authorized to enter into agreements with the

1 Federal Government, respecting the planning, design, location,
2 financing, acquisition of property for, construction, altera-
3 tion, enlargement, use, maintenance, operation, leasing, or
4 fostering the provisions of off-street automobile parking
5 facilities in their respective jurisdictions, or to do any
6 other lawful act necessary to facilitate the purposes of this
7 Act.

8 Sec. 13. PARKING METERS. Exclusive control of the
9 establishment, designation, installation, financing, acquisi-
10 tion, maintenance, regulation, and operation of parking meters
11 is hereby vested in the municipalities of the respective juris-
12 dictions. It shall be the responsibility of said municipalities
13 to entegrate properly the establishment, use and regulation of
14 parking meters with off-street parking facilities. Enforcement
15 of curb parking and parking-meter regulations are hereby
16 reserved to the police agencies of the respective jurisdictions.

17 Sec. 14. SEVERABILITY. If any section, provision, or
18 clause of this Act shall be declared invalid or inapplicable
19 to any person or circumstance, such invalidity or inapplicabil-
20 ity shall not be construed to effect the portions not so held
21 or persons or circumstances not so affected. All laws or por-
22 tions of laws inconsistent with the policy and provisions of
23 this Act are hereby repealed to the extent of such inconsistency
24 in their application to the provision of automobile parking
25 facilities authorized by this act

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