

# MEMORANDUM

**TO:** Dillingham City Council

**FROM:** Dillingham Planning Commission

**DATE:** October 12, 2025

**RE:** Request to Forward Commercial Parking Lot Maintenance Ordinance to Code Committee

## Purpose

The City currently has no standards requiring businesses to maintain parking lots in safe condition after construction. While Title 18 addresses off-street parking requirements for new development (Chapter 18.36), there are no ongoing maintenance standards for existing parking lots. This creates public safety risks from potholes and deteriorating surfaces, potential liability issues for the City, and negatively impacts community appearance.

## Recommendation

Forward the attached Commercial Parking Lot Maintenance Ordinance to the Code Committee for review. The proposed ordinance should be added as a new chapter in the appropriate title of the Dillingham Municipal Code (likely Title 8 - Health and Safety or Title 15 - Buildings and Construction, rather than Title 18 which governs land use and development standards).

The Code Committee should evaluate:

- Proper placement within the municipal code structure
- Technical maintenance standards and their appropriateness for Dillingham's climate
- Enforcement mechanisms and penalty structure
- Coordination with existing building, property maintenance, and nuisance codes
- Timeline for existing non-compliant lots to come into compliance

# **PROPOSED ORDINANCE NO. 2025-XX**

## **CITY OF DILLINGHAM, ALASKA**

**AN ORDINANCE OF THE CITY COUNCIL OF DILLINGHAM, ALASKA, AMENDING THE DILLINGHAM MUNICIPAL CODE BY ADDING A NEW CHAPTER XX.XX TITLED "COMMERCIAL PARKING LOT MAINTENANCE STANDARDS" TO ESTABLISH MINIMUM STANDARDS FOR THE MAINTENANCE, REPAIR, AND SAFETY OF COMMERCIAL PARKING LOTS WITHIN THE CITY.**

**WHEREAS**, the City of Dillingham has a responsibility to protect the health, safety, and welfare of its residents and visitors; and

**WHEREAS**, properly maintained commercial parking lots are essential to public safety, accessibility, and the aesthetics of the community; and

**WHEREAS**, the City Council finds that establishing minimum standards for the maintenance of commercial parking lots will enhance public safety, prevent vehicle damage, and improve the overall appearance of the community; and

**WHEREAS**, the establishment of clear requirements and enforcement procedures will help business owners understand their responsibilities regarding parking lot maintenance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DILLINGHAM, ALASKA, AS FOLLOWS:**

**Section 1.** The Dillingham Municipal Code is hereby amended by adding Chapter XX.XX, "Commercial Parking Lot Maintenance Standards," to read as follows:

## **CHAPTER XX.XX - COMMERCIAL PARKING LOT MAINTENANCE STANDARDS**

### **XX.XX.010 - Purpose and Intent**

The purpose of this chapter is to establish minimum standards for the maintenance, repair, and safety of commercial parking lots within the City of Dillingham in order to protect the health, safety, and welfare of the public. This chapter is intended to ensure that commercial parking lots are maintained in a manner that prevents hazards to vehicles and pedestrians, preserves the functional integrity of the lots, and maintains the aesthetic quality of the community.

### **XX.XX.020 - Definitions**

As used in this chapter, the following terms shall have the meanings set forth below:

**A. "Commercial parking lot"** means any off-street paved or unpaved area used for the parking, storage, or maneuvering of vehicles that serves a commercial, business, industrial, institutional, or multi-family residential property, regardless of whether a fee is charged for parking.

**B. "Owner"** means any person, agent, firm, corporation, or partnership that owns, occupies, or has charge, control, or possession of any real property in the City.

**C. "Hazardous condition"** means any condition on a commercial parking lot that creates or constitutes a danger or hazard to the public health, safety, or welfare, including but not limited to potholes, significant cracks, significant uneven surfaces, improper drainage, or other surface irregularities that could cause damage to vehicles or injury to persons.

**D. "Significant crack"** means any crack in a paved surface that is at least three-quarters (3/4) inch in width and two (2) inches in depth.

**E. "Significant uneven surface"** means any differential in the grade of a paved surface that exceeds two (2) inches in height over a horizontal distance of three (3) feet.

**F. "Director"** means the Public Works Director or their designee.

### **XX.XX.030 - Applicability**

This chapter shall apply to all commercial parking lots within the City of Dillingham. This chapter shall not apply to:

- A.** Residential driveways serving single-family or duplex residential properties;
- B.** Parking lots owned, operated, or maintained by a governmental entity; or
- C.** Temporary parking areas specifically approved by the City for special events.

### **XX.XX.040 - Maintenance Standards**

All commercial parking lots shall be maintained in accordance with the following standards:

**A. Surface Condition.** All paved commercial parking lots shall be maintained in a state of good repair, free from hazardous conditions including but not limited to:

1. Potholes exceeding four (4) inches in diameter and two (2) inches in depth;
2. Significant cracks as defined in XX.XX.020(D);
3. Significant uneven surfaces as defined in XX.XX.020(E);
4. Broken pavement with loose or raveling pieces; or
5. Other surface irregularities that could cause damage to vehicles or injury to persons.

**B. Drainage.** All commercial parking lots shall be maintained to prevent the accumulation of standing water. Proper drainage shall be maintained at all times to prevent water damage to the parking lot surface and to prevent ice formation during winter months.

**C. Striping and Markings.** All paved commercial parking lots shall have clearly visible striping and markings to designate parking spaces, fire lanes, no-parking areas, accessible parking spaces, and directional markings. Such striping and markings shall be repainted or replaced when they become significantly faded, worn, or obscured.

**D. Wheel Stops and Curbing.** Wheel stops, curbing, and similar devices shall be securely anchored and maintained in good condition. Broken or damaged wheel stops or curbing shall be repaired or replaced.

**E. Cleanliness.** Commercial parking lots shall be kept clean and free of excessive dirt, dust, litter, debris, or other materials that may create hazardous conditions or impair the functionality or appearance of the parking lot.

**F. Snow and Ice Removal.** Snow and ice shall be removed from commercial parking lots within a reasonable time after accumulation to ensure safe passage for vehicles and pedestrians.

**G. Unpaved Parking Lots.** Unpaved commercial parking lots shall be maintained to prevent the formation of ruts, potholes, or other hazardous conditions. Grading, gravel replacement, or other appropriate maintenance shall be performed as needed to maintain a safe and functional parking area.

## **XX.XX.050 - Inspection and Notification**

**A.** The Director or their designee shall have the authority to inspect commercial parking lots to determine compliance with this chapter.

**B.** Upon determination that a commercial parking lot is not in compliance with this chapter, the Director shall issue a written notice of violation to the owner. The notice shall:

1. Identify the property in violation;
2. Specify the condition(s) that constitute the violation;
3. Specify the corrective action required;
4. Specify a reasonable time period for compliance, which shall be not less than thirty (30) days from the date of the notice, unless the Director determines that the violation presents an immediate hazard to public safety, in which case a shorter compliance period may be specified; and
5. Inform the owner of their right to appeal the notice as provided in XX.XX.080.

**C.** The notice shall be served upon the owner by one or more of the following methods:

1. Personal delivery;
2. Posting the notice in a conspicuous place on the property;

3. Certified mail, return receipt requested; or
4. First-class mail with a certificate of mailing.

## **XX.XX.060 - Enforcement and Penalties**

**A.** If the owner fails to comply with the notice of violation within the specified time period, the City may:

1. Issue a citation for violation of this chapter;
2. Seek injunctive relief in a court of competent jurisdiction;
3. Abate the violation and assess the costs of abatement against the property as provided in Chapter [appropriate existing chapter] of the Dillingham Municipal Code; or
4. Pursue any other remedy available under law.

**B.** Any person who violates any provision of this chapter shall be subject to a civil penalty of not more than \$300 for each violation. Each day that a violation continues shall constitute a separate violation.

**C.** In addition to the penalties provided in this section, the City may recover all costs, including but not limited to administrative costs, attorney's fees, and costs of corrective action, incurred by the City as a result of any violation of this chapter.

## **XX.XX.070 - Immediate Hazards**

**A.** If the Director determines that a condition on a commercial parking lot presents an immediate hazard to public health or safety, the Director may:

1. Order the immediate closure of all or a portion of the parking lot until the hazardous condition is corrected;
2. Place barricades, signs, or other warning devices to alert the public to the hazardous condition; or
3. Take immediate action to abate the hazardous condition at the owner's expense.

**B.** Any action taken under this section shall be in addition to, and not in lieu of, any other enforcement action authorized by this chapter.

## **XX.XX.080 - Appeals**

**A.** Any person aggrieved by a notice of violation, order, or determination made pursuant to this chapter may appeal to the City Manager by filing a written notice of appeal with the City Clerk within ten (10) days of receipt of the notice, order, or determination.

**B.** The notice of appeal shall state the specific reasons for the appeal and shall be accompanied by any relevant documentation supporting the appeal.

**C.** The City Manager shall hold a hearing on the appeal within thirty (30) days of receipt of the notice of appeal and shall issue a written decision within fifteen (15) days after the hearing.

**D.** The decision of the City Manager shall be final unless appealed to the City Council within ten (10) days of the date of the City Manager's decision.

**E.** The City Council shall consider the appeal at its next regular meeting occurring at least fifteen (15) days after receipt of the appeal and shall issue a written decision within thirty (30) days after the meeting. The decision of the City Council shall be final.

**F.** During the pendency of an appeal, the appellant shall take all actions necessary to prevent any immediate hazards to public health or safety.

### **XX.XX.090 - Severability**

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

**Section 2.** This ordinance shall be effective thirty (30) days after its passage and approval.

**PASSED AND APPROVED** by the City Council of the City of Dillingham, Alaska, this \_\_\_\_ day of \_\_\_\_\_, 2025.