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ANCHORAGE ALASKA  
AO NO. 98-59(S)

Submitted by: Chairman of the Assembly at  
the Request of the Mayor

Prepared by: Department of Law

For Reading: May 19, 1998

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE ("AMC") TITLE 8, THE PENAL CODE, ESTABLISHING MUNICIPAL MISDEMEANORS AND INFRACTIONS AND THEIR PENALTIES AND ESTABLISHING GENERAL PROVISIONS FOR CRIMINAL LIABILITY, ATTEMPTS TO COMMIT CRIMES, PARTIES TO A CRIME AND CERTAIN DEFINITIONS, BY REORGANIZING, RENUMBERING, REVISING AND AMENDING MOST SECTIONS TO CLARIFY LANGUAGE, SPECIFY REQUISITE CRIMINAL INTENT, REDEFINE CERTAIN CRIMES, INCORPORATE THE STATEMENT OF PENALTIES WITH THE STATEMENT OF THE CRIME AND TO OTHERWISE AMEND REVISE, REORGANIZE AND CLARIFY AMC TITLE 8 BY OTHER SIMILAR AMENDMENTS. THIS ORDINANCE ALSO AMENDS ANCHORAGE MUNICIPAL CODE ("AMC") TITLE 17 BY TRANSFERRING AMC CHAPTER 17.35, (CRUELTY TO ANIMALS) TO THE PENAL CODE AS AMC CHAPTER 8.55 AND ALSO TRANSFERRING AMC SECTIONS 17.40.070 (CRIMES RELATING TO ANIMAL BEHAVIOR) AND 17.60.050 (CRIMES RELATING TO WOLF HYBRIDS) TO THE PENAL CODE AS SECTIONS 8.55.060 AND 8.55.070 RESPECTIVELY.

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** Anchorage Municipal Code Title 8 is hereby re-organized and its sections re-numbered and amended to read as follows:

## TITLE 8 PENAL CODE

### Chapter 8.05 [8.50]

#### GENERAL PRINCIPLES [PENALTIES AND SENTENCING]

- 8.05.010                      General Principles of Criminal Liability  
[8.50.010                      PENALTIES.]  
8.05.020 [8.50.020] Sentencing [SENTENCING.]  
8.05.030 [8.50.030] Attempt [TO COMMIT A CRIME.]  
8.05.040 [8.50.040] Parties to Crimes  
8.05.050 [8.50.050] "Child" and "Minor" Defined.

#### 8.05.010                      General Principles of Criminal Liability

- A. The minimum requirements for criminal liability is the performance by a person of conduct that includes a voluntary act or the omission to perform an act that the person is capable of performing.
- B. For purposes of this title, the definition for the words "intentionally", "knowingly", "recklessly", and "with criminal negligence" shall be those listed in AS 11.81.900(a).

C. If a provision of law defining an offense does not prescribe a culpable mental state, the culpable mental state that must be proved with respect to:

1. conduct is "knowingly"; and
2. a circumstance or result is "recklessly."

D. **Definitions. Except as otherwise provided in this Title or unless the context clearly indicates otherwise, the definitions of the words and phrases in Alaska Statutes 11.81.900 shall be the definitions of those same words and phrases used in this Title.**

#### [8.50.010 PENALTIES.

[A. EVERY ACT PROHIBITED BY THE FOLLOWING SECTIONS IS DECLARED UNLAWFUL AND VIOLATION SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$5,000.00 OR IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH SUCH FINE AND IMPRISONMENT:

- [1. 8.05.030.
- [2. 8.05.040.
- [3. 8.05.060.
- [4. 8.05.160.
- [5. 8.05.170.
- [6. 8.05.175.
- [7. 8.05.240.

[A. UPON CONVICTION OF A VIOLATION OF SECTION 8.05.240.A, IF THE CONVICTION IS FOR THE DISCHARGE OF A FIREARM FROM A VEHICLE, THE COURT MAY ORDER FORFEITURE OF THE DEFENDANT'S INTEREST IN THE VEHICLE TO THE MUNICIPALITY IN ADDITION TO ANY OTHER PENALTIES.

- [8. 8.05.250.
- [9. 8.05.255.
- [10. 8.05.260.
- [11. 8.05.425.
- [12. 8.05.700.

[ A. UPON CONVICTION OF A VIOLATION OF SECTION 8.05.700.A, IF THE CONVICTION IS FOR THE DISCHARGE OF A FIREARM FROM A VEHICLE THE COURT MAY ORDER FORFEITURE OF THE DEFENDANT'S INTEREST IN THE VEHICLE TO THE MUNICIPALITY, IN ADDITION TO ANY OTHER PENALTIES.

[13. 8.14.020 THROUGH 8.14.080 AND 8.14.100.

[B. EVERY ACT PROHIBITED BY THE FOLLOWING CHAPTERS AND SECTIONS IS DECLARED UNLAWFUL AND VIOLATION SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$1,000.00 OR IMPRISONMENT FOR NOT MORE THAN SIX MONTHS OR BOTH SUCH FINE AND IMPRISONMENT:

- [1. 8.05.070.

- [2. 8.05.100 AND 8.05.120, EXCEPT 8.05.120.J.
- [3. 8.05.180 THROUGH 8.05.220.
- [4. 8.05.290 THROUGH 8.35.360.
- [5. 8.05.380.
- [6. 8.05.400 THROUGH 8.05.420.
- [7. 8.05.430.
- [8. 8.05.530.
- [9. 8.05.560.
- [10. 8.05.590 AND 8.05.600.
- [11. 8.05.620 THROUGH 8.05.690.
- [12. CHAPTER 8.14, EXCEPT 8.14.020 THROUGH 8.14.080 AND 8.14.100.
- [13. CHAPTER 8.16, EXCEPT SECTION 8.16.050.
- [14. CHAPTER 8.30.

[C. EVERY ACT PROHIBITED BY THE FOLLOWING CHAPTERS AND SECTIONS IS DECLARED UNLAWFUL AND VIOLATION SHALL BE PUNISHABLE BY A CIVIL PENALTY AS SET FORTH IN SECTION 14.60.030, OR, IF SUCH VIOLATION IS NOT LISTED IN THE FINE SCHEDULE SET FORTH IN SECTION 14.60.030, A CIVIL PENALTY AS SET FORTH IN SECTION 1.45.010, AND ADDITIONALLY SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$300.00:

- [1. 8.05.010.
- [2. 8.05.080.
- [3. 8.05.120.J.
- [4. 8.05.150.
- [5. 8.05.270.
- [6. 8.05.370.
- [7. 8.05.440 THROUGH 8.05.490.
- [8. 8.05.580.
- [9. 8.05.610.
- [10. 8.16.050.

[D. WHERE AN INDIVIDUAL CONVICTED OF AN OFFENSE LISTED IN THIS SECTION IS INTOXICATED AT THE TIME OF THE OFFENSE, THE SENTENCING JUDGE MAY ORDER AS PART OF THE PROBATION FOR THE OFFENSE THAT THE PERSON REFRAIN FROM CONSUMING ALCOHOLIC BEVERAGES AND/OR PARTICIPATE IN AN ALCOHOL SCREENING AND TREATMENT PROGRAM.

[E. NOTWITHSTANDING SUBSECTION C. OF THIS SECTION, A MAXIMUM OF \$150.00 OF ANY CIVIL FINE OR CIVIL PENALTY IMPOSED ON A MINOR FOR A VIOLATION OF SECTION 8.05.440 (MINORS--CURFEW) OR SECTION 8.05.451 (MINORS--POSSESSION OF TOBACCO PRODUCTS) MAY BE SATISFIED BY PERFORMANCE OF COMMUNITY WORK SERVICE IN ACCORDANCE WITH SUBSECTION 14.60.020 D.

(GAAB 18.05.230; AO No. 85-209; AO No. 89-52; AO No. 89-123; AO No. 90-122; AO No. 90-141; AO No. 93-167(S-1), § 6, 4-13-94; AO No. 93-200, § 2, 2-3-94; AO No. 94-22, § 4, 2-15-94;

AO No. 94-30, § 4, 4-19-94; AO No. 94-130, § 3, 9-20-94; AO No. 95-149(S), § 2, 11-2-95; AO No. 95-187(S), § 2, 10-26-95; AO No. 97-107, § 1, 11-17-97)

**8.05.020 [8.50.020] Sentencing.**

- A. When a person is sentenced to imprisonment, his term of confinement begins from the day of his sentence. A person who is sentenced shall receive credit toward service of his sentence for time spent in custody pending trial or sentencing, or appeal, if that detention was in connection with the offense for which sentence was imposed. The time during which the person is voluntarily absent from the jail, other custodial institution or custody of an officer after his sentence shall not be counted as part of the term for which he was sentenced.
- B. If a person is convicted of two or more crimes, the judgment entered against him by the court may specify that the imprisonment upon one conviction begins at the expiration of the imprisonment for any other of the crimes. If the defendant is imprisoned upon a previous judgment of conviction for a crime, the judgment may be that the imprisonment commences at the expiration of the term limited by the previous judgment.
- C. The court authorized to pass sentence upon a person convicted of a crime under this Code shall determine and impose the punishment prescribed. When punishment is left undetermined between certain limits or kinds of punishment the court shall determine the punishment to be imposed, except as set forth in subsection D of this section.
- D. When a minimum sentence is prescribed as punishment for a particular offense, the court may not impose a lesser sentence, nor may the court suspend or defer such minimum sentence.
- E. Except as provided in subsection D of this section, the court in the interest of justice may suspend part or all of a sentence imposed, or suspend imposition of sentence and place the defendant on probation. In sentencing under this Code, the provisions of AS 12.55 shall apply.
- F. In addition to any other penalty prescribed by this title, a court authorized to pass sentence upon a person convicted of a crime under this title may enter a judgment directing the forfeiture of any weapon used in the commission of that crime by the person convicted.
- G. In addition to any other penalty provided for in this Title or under this Code and except as otherwise provided in this section, [ SUBSECTIONS 8.50.010A. AND B. ,] and [BUT] subject to judicial discretion, as provided for in AS 12.55 and subject further to the provisions of AS 47.10 governing disposition of juveniles in juvenile cases:
1. Community work service may be imposed as part of the sentence or as a condition of probation, suspended sentence, or suspended imposition of sentence whenever feasible and, as nearly as possible, shall be appropriate to the crime for which imposed; and

2. An order imposing community work service shall specify one or more of the following as the remedy for failure to complete community work service as ordered:
  - a. Conversion of unsatisfied community work service hours to a fine at the rate of \$50.00 for every eight hours or fraction thereof;
  - b. Issuance of a bench warrant to secure return of the defendant or juvenile to court for imposition of sentence or deposition or modifications of conditions;
  - c. Conversion of the community work service requirement to an alternative condition;
  - d. Any remedy the court may lawfully impose.
  - e. Community work service may not be imposed considered for an infraction violation under chapter 8.75, provided however, nothing in this Title shall be construed to prohibit the election of community work service under and in accordance with section 14.60.020.

(AO No. 79-24; AO No. 82-134; AO No. 95-67(S), § 8, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-178, § 3, 9-26-95; AO No. 96-106, § 1, 8-6-96)

**8.05.030** [8.50.030] **Attempt** [TO COMMIT A CRIME]

- A. A person who attempts to commit a crime, and in the attempt does any act toward the commission of the crime, but fails, or is prevented or intercepted in the perpetration of the crime, when no other provision is made by law for the punishment of the attempt, [UPON CONVICTION], is guilty of a misdemeanor upon conviction.
- B. Upon conviction of an attempt to commit any crime, the person so convicted may be sentenced to serve no more than half the maximum imprisonment, fine, or both such fine and imprisonment provided by this Code for the crime attempted.
- C. This section shall not be construed to protect a person who, in attempting unsuccessfully to commit a crime, accomplishes another or different crime, whether greater or less in guilt, from suffering the punishment prescribed by law for the crime committed.

**8.05.040** [8.50.040] **Parties to crimes.**

- A. There shall be no distinction under this Code between an accessory before the fact and a principal, or between principals in the first and second degree. All persons concerned in the commission of a crime, whether they directly commit the act constituting the crime, or whether present at the scene of the crime or not, who aid and abet in its commission, shall be prosecuted, tried and punished as principals.
- B. The parties to crimes under this Code are:

1. Principals.

2. Accessories after the fact.

C. Except in cases where a different punishment is prescribed by this Code, an accessory after the fact to any crime prohibited in this Code is punishable upon conviction by up to half the maximum fine, imprisonment, or both such fine and imprisonment provided for the crime committed.

**8.05.050 [8.50.050] "Child" and "minor" defined.**

For purposes of this title [AND THE CHAPTERS THEREIN], the term "child" refers to any person under 16 years of age, and the term "minor" refers to any person under 18 years of age.

(AO No. 89-52)

**8.05.390 Magazine subscription sales. (Repealed)**

(GAAB 18.05.010.JJ; AO No. 93-169, 4-13-94)

**8.05.480 Destruction of official notices. (Repealed)**

(GAAB 18.05.010.V; AO No. 93-169, § 2, 4-13-94)

**Chapter 8.10 [8.05]**  
**CRIMES AGAINST PERSONS**

**8.10.010 [8.05.030] Assault.**

A. It is unlawful for any person to commit an assault.

B. An assault is:

1. An intentional or reckless use of force or violence upon the person of another; or
2. An intentional or reckless use of force, which creates a reasonable apprehension of immediate physical injury to the person of another.
3. An intentional or reckless use of words or other conduct which places a family member, as defined in subsection [8.05.040.C.2] 8.10.020.C.2, in reasonable fear of imminent physical injury or death to that family member or another person, provided however, this subsection does not prohibit lawful discipline of a minor by a parent or another person with lawful physical custody or control of a minor.

C. A peace officer without a warrant may arrest a person when the peace officer has reasonable

cause for believing that the person has committed a crime under subsection A of this section when the victim is a family member, as defined by subsection [8.05.040.C.2] 8.10.020.C.2.

- D. It is unlawful when an assault is committed against the person of a police officer, firefighter, paramedic or animal control officer and the person committing the offense knows or reasonably should know that such victim is a police officer, firefighter, paramedic or animal control officer engaged in the performance of official duties.
- E. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 79-24; AO No. 85-209; AO No. 93-41; AO No. 97-66, § 1, 5-6-97)

State law reference(s)--Reckless endangerment, AS 11.41.250; Assault 4°, AS 11.41.240, arrest without warrant, AS 12.25.030.

**8.10.020 [8.05.040] Stalking.**

- A. It is unlawful for any person to commit the offense of stalking.
- B. A person commits the crime of stalking if the person knowingly engages in a course of conduct that recklessly places another person in reasonable fear of death or physical injury, or in reasonable fear of the death or physical injury of a family member.
- C. In this section, the following terms shall have the meaning given in this subsection:
1. *Course of conduct* means repeated acts of non-consensual contact involving the victim or a family member.
  2. *Family member* means a:
    - a. Spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew or niece of the victim, whether related by blood, marriage or adoption;
    - b. Person who lives, or has previously lived, in a spousal relationship with the victim;
    - c. Person who lives in the same household as the victim; or
    - d. Person who is a former spouse of the victim or is or has been in a dating, courtship or engagement relationship with the victim.
  3. *Non-consensual contact* means any contact with another person that is initiated or continued without that person's consent, that is beyond the scope of the consent provided by that person, or that is in disregard of that person's expressed desire that

the contact be avoided or discontinued. The term "non-consensual contact" includes:

- a. Following or appearing within the sight of that person.
- b. Approaching or confronting that person in a public place or on private property.
- c. Appearing at the workplace or residence of that person.
- d. Entering onto or remaining on property owned, leased or occupied by that person.
- e. Contacting that person by telephone.
- f. Sending mail or electronic communications to that person.
- g. Placing an object on, or delivering an object to, property owned, leased or occupied by that person.

4. *Victim* means a person who is the target of a course of conduct.

D. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 93-200, § 1, 2-3-94)

State law reference(s)--Stalking in the second degree, AS 11.41.270; arrest without warrant, AS 12.25.030(b)(1).

**8.10.030 [8.05.060] Child abuse.**

- A. It is unlawful for any person to commit child abuse.
- B. A person commits child abuse if he intentionally, knowingly, recklessly, or negligently [AND WITHOUT JUSTIFIABLE EXCUSE] causes or permits a child to be:
  1. In any place under circumstances creating a substantial risk of injury to the child; or
  2. Abandoned, tortured, cruelly confined or cruelly punished; or
  3. Deprived of [NECESSARY] reasonable food, clothing or shelter.
- C. In this section, the word "child" means a person under the age of 16 years.
- D. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.



(CAC 8.47.010)

State law reference(s)--Endangering the welfare of a child, AS 11.51.120; child protection, AS 47.17.010.

**8.10.040 [8.05.160] Enticement.**

A. It is unlawful for any person, with the intent to commit a crime, to contact another person or entice or attempt to entice that person to enter an automobile, building, bushes, wooded or secluded area, or public or private premises. [IT IS UNLAWFUL FOR ANY PERSON TO ACCOST ANOTHER PERSON AND ENTICE OR ATTEMPT TO ENTICE SUCH OTHER PERSON INTO ANY AUTOMOBILE, BUILDING, BUSHES, OR WOODED OR SECLUDED AREA, OR ANY REMOTE PUBLIC OR PRIVATE PLACE, FOR ANY UNLAWFUL PURPOSE].

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(GAAB 18.05.010.M)

**8.10.050 [8.05.300] Indecent exposure or exhibition.**

A. It is unlawful for any person:

1. to intentionally, knowingly, or recklessly expose his or her genitals in a public place, except as part of public entertainment or dramatic presentation; or
2. to intentionally, knowingly, or recklessly expose his or her genitals to the view of other persons, which exposure is offensive to those persons or which is likely to cause affront or alarm.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

[IT IS UNLAWFUL FOR ANY PERSON TO INTENTIONALLY EXPOSE HIS OR HER GENITALS IN A PUBLIC PLACE, EXCEPT AS PART OF PUBLIC ENTERTAINMENT OR DRAMATIC PRESENTATION, OR TO THE VIEW OF OTHER PERSONS, WHICH EXPOSURE IS OFFENSIVE TO THOSE PERSONS OR WHICH IS LIKELY TO CAUSE AFFRONT OR ALARM.]

State law reference(s)--Indecent exposure, AS 11.41.460.

**8.10.060 [8.05.590] Illegal use of telephone.**

A. It is unlawful for any person to telephone another person with the intent to harass that person

or that person's family. [IT IS UNLAWFUL FOR ANY PERSON TO ANONYMOUSLY OR REPEATEDLY TELEPHONE ANOTHER PERSON FOR THE PURPOSE OF ANNOYING, MOLESTING OR ABUSING THROUGH PATENTLY OFFENSIVE AND PROFANE LANGUAGE OR HARASSING THAT PERSON OR HIS FAMILY, OR THREATENING PHYSICAL INJURY].

B. It is prima facie evidence of intent to harass that the caller

1. Made repeated telephone calls, having been told such calls were unwelcome; or
2. Called anonymously; or
3. Used profane or patently abusive language; or
4. Threatened the receiver or the receiver's family.

C. Violation of this section shall, upon conviction be punished by a fine of not more than \$1,000 or imprisonment for not more than six months or both such fine and imprisonment.

(AO No. 82-134; AO No. 89-52)

**Chapter 8.15 [8.05]**

**THEFT CRIMES**

**[CRIMES AGAINST PERSONS AND CRIMES AGAINST PROPERTY]**

**8.15.010 [8.05.200] Theft defined.**

A. A person commits theft if:

1. With the intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another; or
2. The person commits theft of lost property under AMC 8.15.020; or
3. The person commits theft by deception under AMC 8.15.030; or
4. The person commits theft of services under AMC 8.15.040; or
5. The person commits theft by shoplifting under AMC 8.15.050.

B. Penalties. The crime of theft as defined in AMC 8.15.010A is punishable by a fine of not more than:

1. \$1000 or imprisonment of not more than six months, or both such fine and imprisonment, if the value of the property or services is \$5.00 or more but less than

\$50.00.

2. \$5000 or imprisonment of not more than one year, or both such fine and imprisonment, if the value of the property or services is \$50.00 or greater.

Cross reference(s)--AS 11.46.140 Theft in the third degree

**8.15.020 [8.05.380] Theft of lost property.**

- A. A person commits theft of lost property if that person comes into control of property of another that the person knows or reasonably should know to have been lost, mislaid, stolen, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient and if, with the intent to deprive the owner thereof, the person fails to take reasonable measures to restore the property to a person entitled to have it.
- B. As used in this section, "reasonable measures" includes notifying the identified owner or peace officer.
- C. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.

[ANY PERSON WHO COMES INTO CONTROL OF PROPERTY OF ANOTHER THAT HE KNOWS, OR REASONABLY SHOULD KNOW, TO HAVE BEEN LOST, MISLAID, STOLEN OR DELIVERED UNDER A MISTAKE AS TO THE NATURE OR AMOUNT OF THE PROPERTY OR THE IDENTITY OF THE RECIPIENT IS GUILTY OF LARCENY IF, WITH THE INTENT TO DEPRIVE THE OWNER THEREOF, HE FAILS TO TAKE REASONABLE MEASURES TO RESTORE THE PROPERTY TO A PERSON ENTITLED TO HAVE IT.]

(AO No. 91-140)

State law reference(s)--Theft by receiving, AS 11.46.190; theft of lost or mislaid property, AS 16.46.160.

**8.15.030 [8.05.220] Theft by Deception [OBTAINING MONEY OR PROPERTY BY FALSE PRETENSES].**

- A. [IT IS UNLAWFUL FOR ANY PERSON TO OBTAIN ]A person commits theft by deception if that person knowingly obtains money, property or other things of value [INCLUDING BUT NOT LIMITED TO THE USE OF COIN VENDING DEVICES, OR THE USE OF ANY PUBLIC UTILITY SERVICE]:

- [A.] 1. By false pretenses or representations, whether oral, written or otherwise; or
- [B.] 2. By use of any device or means by which the use of [ANY SUCH] a machine or service is secured without paying or contracting to pay the established consideration therefore; or

[C.] 3. [WHEN] By charging the consideration [IS CHARGED] to another person without the authorization or subsequent consent of the person.

B. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.

(GAAB 18.05.010.KK)

**8.15.040 [8.05.100] Theft of services [DEFRAUDING INNKEEPER]**

A. A person commits theft of services if:

1. The person obtains services known by that person to be available only for compensation by deception, force, threat, or other means to avoid payment for the services; or
2. Having control over the disposition of services to which the person is not entitled, the person knowingly diverts those services to the person's own benefit or to the benefit of another not entitled to them.

B. As used in this section, "services" include but are not limited to public utility services; private or public transportation services; public or private hotel or lodging services; and public or private restaurant, food, or beverages services, including the cost of food or beverage.

C. Proof that the services were obtained by false pretenses, or that the person refused or neglected to pay for these things on demand is prima facie evidence of the fraudulent intent required in subsection A of this section.

D. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.

[A. IT IS UNLAWFUL FOR ANY PERSON TO OBTAIN LODGING AT A HOTEL, INN, BOARDINGHOUSE OR LODGING HOUSE AND PROCURE BOARD OR LODGING FROM THE OWNER OR OPERATOR BY MEANS OF A TRICK, DECEPTION OR FALSE REPRESENTATION, OR A FALSE SHOW OF BAGGAGE OR EFFECTS, OR PROCURE FOOD, DRINK OR OTHER MERCHANDISE FROM ANY RESTAURANT, DINING ROOM, COCKTAIL LOUNGE, BAR OR OTHER PREMISES WHERE FOOD OR DRINK IS OFFERED TO THE PUBLIC FOR SALE, WITH THE INTENT TO CHEAT OR DEFRAUD THE OWNER OR OPERATOR OUT OF THE PAY FOR THE BOARD, LODGING OR ACCOMMODATION, OR FOOD, DRINK OR MERCHANDISE. IT IS ALSO UNLAWFUL, WITH SUCH INTENT, TO ABSCOND FROM THE PREMISES, OR SURREPTITIOUSLY REMOVE, OR CAUSE TO BE REMOVED, BAGGAGE OR EFFECTS FROM A HOTEL, INN, BOARDINGHOUSE OR LODGING HOUSE WITHOUT FIRST PAYING THE PROPER CHARGES DUE. AS USED IN THIS SECTION, THE TERM "BOARD OR LODGING" INCLUDES ALL

CHARGES INCURRED EXCEPT FOR CASH PAYOUT TO A GUEST.

- [B. PROOF THAT BOARD, LODGING, FOOD, DRINK, OR MERCHANDISE WERE OBTAINED BY FALSE PRETENSES, OR THAT THE PERSON REFUSED OR NEGLECTED TO PAY FOR THE BOARD, LODGING, FOOD, DRINK OR MERCHANDISE ON DEMAND, IS PRIMA FACIE EVIDENCE OF THE FRAUDULENT INTENT REQUIRED IN SUBSECTION A OF THIS SECTION.]

(GAAB 18.05.160)

State law reference(s)--Theft of services, AS 11.46.200(2)(b).

**8.15.050 [8.05.550] Theft by shoplifting**

- A. *Removal of merchandise.* [IT IS UNLAWFUL FOR ANY PERSON TO TAKE OR REMOVE] A person commits the crime of removal of merchandise if that person knowingly takes or removes any merchandise or thing of value from the premises where such merchandise or thing of value is kept for purposes of sale, barter or storage [WITHOUT THE CONSENT OF THE OWNER OR PERSON LAWFULLY ENTITLED TO ITS POSSESSION] with the intent to unlawfully appropriate the merchandise or to deprive the owner or person lawfully entitled to its possession.
- B. *Concealment of merchandise.* [IT IS UNLAWFUL FOR ANY PERSON, WITHOUT AUTHORITY, TO] A person commits the crime of concealment of merchandise if that person knowingly conceals upon or about [HIS] his or her person any merchandise or thing of value upon the premises where such merchandise or thing of value is kept for the purposes of sale, barter or storage. Any merchandise or thing of value found concealed upon or about the person and which has not theretofore been purchased by the person is prima facie evidence of [WILLFUL] knowing concealment.
- C. *"Consent" defined.* As used in this section, the term "consent" shall mean express consent, or consent implied by possession of a sales ticket, slip or receipt issued for and accompanied by the article of merchandise or thing of value.
- D. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.

[PENALTIES. THE PENALTIES FOR VIOLATION OF THIS SECTION SHALL BE:

- [1. NO MORE THAN \$300.00 IF THE RETAIL VALUE OF THE MERCHANDISE CONCEALED OR REMOVED IS LESS THAN \$5.00.
- [2. NO MORE THAN \$1,000.00 OR 90 DAYS IN JAIL OR BOTH IF SUCH VALUE IS \$5.00 OR MORE BUT LESS THAN \$50.00.
- [3. NO MORE THAN \$5,000.00 OR ONE YEAR IN JAIL OR BOTH IF SUCH

VALUE IS \$50.00 OR MORE.]

(GAAB 18.05.040; AO No. 89-52)

State law reference(s)--Civil liability for shoplifting, AS 9.68.110; concealment of merchandise, AS 11.46.220.

**[8.05.600 THEFT OF VEHICLE].**

[ANY PERSON WHO DRIVES OR TAKES A MOTOR VEHICLE NOT HIS OWN WITHOUT THE CONSENT OF THE OWNER THEREOF, AND WITH INTENT TO EITHER PERMANENTLY OR TEMPORARILY DEPRIVE THE OWNER THEREOF OF HIS POSSESSION OF THE VEHICLE, WHETHER WITH OR WITHOUT INTENT TO STEAL THE VEHICLE, OR ANY PERSON WHO IS A PARTY OR ACCESSORY TO OR AN ACCOMPLICE IN THE DRIVING OR UNAUTHORIZED TAKING OR STEALING, IS GUILTY OF A MISDEMEANOR. THE CONSENT OF THE OWNER OF A VEHICLE TO ITS TAKING OR DRIVING SHALL NOT IN ANY CASE BE PRESUMED OR IMPLIED BECAUSE OF SUCH OWNER'S CONSENT ON A PREVIOUS OCCASION TO THE TAKING OR DRIVING OF THE VEHICLE BY THE SAME OR A DIFFERENT PERSON.]

**[8.05.360 LARCENY].**

[IT IS UNLAWFUL FOR ANY PERSON TO STEAL MONEY, GOODS OR CHATTELS, OR A GOVERNMENT NOTE, A BANK NOTE, A PROMISSORY NOTE, BILL OF EXCHANGE, BOND OR OTHER THING IN ACTION, OR A BOOK OF ACCOUNTS, ORDER OR CERTIFICATE CONCERNING MONEY OR GOODS DUE OR TO BECOME DUE OR TO BE DELIVERED, OR A DEED OR WRITING CONTAINING A CONVEYANCE OF LAND OR INTEREST IN LAND, OR A BILL OF SALE, OR WRITING CONTAINING A CONVEYANCE OF GOODS OR CHATTELS OR INTEREST IN THEM, OR ANY OTHER VALUABLE CONTRACT IN FORCE, OR A RECEIPT, RELEASE OR DEFEASANCE, OR A WRIT, PROCESS OR PUBLIC RECORD WHICH IS THE PROPERTY OF ANOTHER.]

**Chapter 8.20 [8.05]**

**CRIMES AGAINST PROPERTY**

**[CRIMES AGAINST PERSONS AND CRIMES AGAINST PROPERTY]**

**8.20.010 [8.05.400] Malicious destruction of property.**

- A. It is unlawful for any person to recklessly or intentionally injure or destroy any real or personal property not his own.
- B. It is unlawful for any person to disconnect, injure, or destroy any communication equipment, regardless of whether owned by such person, with the intent to prevent a family member, as defined by subsection [8.05.040C.2] 8.10.020.C.2, from communicating with emergency service agencies or others.

C[B]. In addition to all other fines and penalties provided for in this section, [8.50.010] persons violating this section shall:

1. Perform community service of not less than 20 nor more than 100 hours; and
2. [REMOVE OR CAUSE THE REMOVAL OF THE LITTER AND] Restore or replace the property [DEFACED] at their sole expense and at the direction and under the supervision of the property owner.

D[C]. If the person violating this section fails to [REMOVE THE LITTER OR] restore or replace the property [AS THE CASE MAY BE], the owner thereof may cause the same to be accomplished and charge the person responsible for doing so for the reasonable expense incurred and recover such expenses by civil action.

E[D]. Any act in violation of this section committed by a minor under the age of 18 years who is not a runaway, as that term is defined by AS 47.10.390, when the violation occurred, shall be imputed to that minor's parent or legal guardian who shall be liable for payment of the fine and expense of restoration.

[E. SUBJECT TO AS 47.10, PERSONS UNDER THE AGE OF 18 YEARS, SHALL BE SUBJECT TO THE PROVISIONS OF THIS SECTION, PROVIDED HOWEVER, THAT IN THE EVENT ANY SUCH PROVISION CONFLICTS WITH OR CANNOT BE EFFECTED UNDER THE PROVISIONS OF AS 47.10, THE LATTER SHALL PREVAIL AND THE PERSON, COURT OR AGENCY HAVING JURISDICTION OVER THE MINOR SHALL, WHENEVER CONSISTENT WITH AS 47.10, APPLY THE PENALTIES, FINES, REPAIR AND RESTORATION PROVISIONS HEREOF AS A PART OF ITS FINAL DISPOSITION OR AS A CONDITION OF PRE-TRIAL/HEARING DIVERSION. SUBJECT TO THE DISCRETION OF THE COURT, AGENCY OR OFFICIAL HAVING JURISDICTION, THE PARENT OR LEGAL GUARDIAN OF A PERSON UNDER THE AGE OF 18 YEARS VIOLATING THIS SECTION SHALL ACCOMPANY THE MINOR TO SOME OR ALL OF THE MINOR'S COMMUNITY SERVICE AND REPAIR, REMOVAL OR RESTORATION WORK.]

F. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

[F. NOTHING CONTAINED IN THIS SECTION SHALL IN ANY WAY LIMIT, ABRIDGE OR DENY THE AUTHORITY OR DISCRETION OF ANY COURT UNDER AS TITLE 12 OR ANY AGENCY OR OFFICIAL UNDER AS TITLE 47 AND SUCH COURT, AGENCY OR OFFICIAL MAY VARY THE SENTENCE OR OTHER DISPOSITION IMPOSED PURSUANT TO SUCH AUTHORITY OR JURISDICTION FOR A VIOLATION OF THIS SECTION].

(GAAB 18.05.010.L; AO No. 94-221(S), § 2, 3-23-95)

State law reference(s)--Criminal mischief, AS 11.46.486.

**8.20.020 [8.05.660] Vehicle Tampering [TAMPERING WITH VEHICLE]**

- A. It is unlawful for any person [EITHER INDIVIDUALLY OR IN CONCERT WITH ONE OR MORE OTHER PERSONS, WILLFULLY TO] to intentionally:
- [A.] 1. Injure or tamper with any motor vehicle or the contents thereof, or to break or remove any part of a vehicle, without the consent of the owner; or
- [B.] 2. With the intent to commit [MALICIOUS DESTRUCTION OR INJURY, OR ANY OTHER] a crime, climb into or upon a motor vehicle; or
- [C.] 3. With the intent to commit [MALICIOUS DESTRUCTION OR INJURY, OR ANY OTHER] a crime, attempt to manipulate or actually manipulate any mechanism or device which is part of a motor vehicle [WHICH IS AT REST AND UNATTENDED]; or
- [D.] 4. With the intent to commit [MALICIOUS DESTRUCTION OR INJURY, OR ANY OTHER] a crime, set in motion any vehicle [WHILE THE VEHICLE IS AT REST AND UNATTENDED].
5. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

**8.20.030 [8.05.375] Graffiti and related vandalism.**

- A. *Purpose and intent.* It is the purpose and intent of this section to prevent graffiti and to promote its eradication, and to prevent related vandalism, as graffiti and related vandalism adversely affects property, both public and private. It is the further intent of this section to fight against blight, to preserve the value of property, both public and private, and to promote the security of the community, all of which are threatened by graffiti and graffiti-related vandalism.
- B. *Definitions.* For the purpose of this section, the following definitions shall apply:
1. *Aerosol paint container* means any canister, can, bottle, container or other receptacle which contains any substance commonly known as paint, stain, dye or other pigmented substance which is or can be modified to contain pressure, or be pressurized, in order to impel or propel any such substance.
2. *Graffiti* means any inscription, symbol, design or configuration of letters or numbers written, drawn, etched, marked, painted, stained, stuck on or adhered to any surface on public or private property without the express permission of the owner of such property, including but not limited to trees, signs, poles, fixtures, utility boxes, walls,



paths, walks, streets, underpasses, overpasses, bridges, trestles, buildings or any other structures or surfaces.

3. *Graffiti implement* means any implement capable of marking a surface to create graffiti, including but not limited to aerosol paint containers, markers and gum labels.
4. *Gum label* means any material such as, but not limited to, decals, stickers, posters or labels which contain a substance commonly known as adhesive or glue, which cannot be removed from the surface in an intact condition and with minimal efforts.
5. *Marker* means any indelible or permanent marker, or similar implement containing an ink that is not water soluble.

C. *Prohibition of graffiti.* It shall be unlawful for any person to intentionally or knowingly commit any overt act resulting in or attempting to result in application of graffiti on any surface on public or private property without the express permission of the owner of such property, including but not limited to trees, signs, poles, fixtures, utility boxes, walls, paths, walks, streets, underpasses, overpasses, bridges, trestles, buildings or any other structures or surfaces.

D. *Possession of graffiti implements.* It shall be unlawful for any person to intentionally or knowingly possess any graffiti implement while on public or private property without the express consent of the owner of such property, in a manner that warrants a justifiable and reasonable alarm or immediate concern for the safety of property in the vicinity. Among the circumstances which may be considered by the enforcement officer in determining whether such alarm or immediate concern is warranted, is the fact that the person takes flight upon appearance of an enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or the graffiti implement. Prior to any citation being issued to a person for a violation of this subsection, such person shall be afforded an opportunity by the enforcement officer to dispel any alarm or immediate concern which could otherwise be warranted by requesting such person to identify himself and explain his presence and conduct.

E. *Parental civil liability.* Any act in violation of subsection B or C of this section committed by a minor under the age of 18 years shall be imputed to that minor's parent or legal guardian. A parent or legal guardian of a minor who violates subsection B or C of this section shall be liable for the payment of any civil fine and the expense of restoration as set forth in subsection F of this section.

F. *Penalty.* [ANY PERSON WHO COMMITS A VIOLATION OF SUBSECTION B OF THIS SECTION, OR, IN THE CASE OF A VIOLATOR UNDER 18 YEARS OF AGE, THE PARENT OR LEGAL GUARDIAN, SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$500.00 FOR A FIRST OFFENSE, AND OF NOT MORE THAN \$1,000.00 FOR A SECOND OR SUBSEQUENT OFFENSE. IN ADDITION TO SUCH PUNISHMENT, THE VIOLATOR, OR THE MINOR'S PARENT OR LEGAL GUARDIAN, SHALL ALSO BE RESPONSIBLE FOR REPAYING THE COST OF RESTORATION TO THE

PROPERTY OWNER, PURSUANT TO SUBSECTION G OF THIS SECTION, FOR SUCH COMPLETED RESTORATION.] Violators shall be ordered to remove the graffiti, or if it has already been removed, repay the property owner, the Municipality, or the Graffiti Busters program the costs of such removal including labor costs. Failure to comply with ordered removal or payment of costs shall create a cause of action that can be enforced in a civil suit. Any person who commits a violation of subsection D of this section [OR, IN THE CASE OF A VIOLATOR UNDER 18 YEARS OF AGE, THE PARENT OR LEGAL GUARDIAN] shall be punished by a fine of not more than \$100.00 for each offense. Violations of subsection D shall, upon conviction, be punished by a fine of not more than \$1,000 or six months imprisonment, on both such fine and imprisonment.

G. *Civil remedies.* As an alternative to other penalty provisions of this section,

1. A[a]ny person who violates any provision of this section shall be subject to and shall pay to the municipality civil penalties equivalent to and on the same basis as the monetary penalties provided for in subsection F of this section;[.]
2. Any person, including the municipality, may seek appropriate injunctive relief for the enforcement of this section, its penalties and remedial provisions, including but not limited to actions for abatement, prevention of violations, and enforcement of all remedial and preventive provisions of this section as may be appropriate; and[.]
3. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60. [THE MONETARY CIVIL PENALTIES PROVIDED FOR IN THIS SUBSECTION MAY ALSO BE ENFORCED AS CIVIL FINES BY THE ADMINISTRATIVE HEARINGS OFFICER UNDER TITLE 14.]

H. [GRAFFITI REMOVAL. A PERSON, AND, IN THE CASE OF A MINOR, THE PARENT OR LEGAL GUARDIAN, VIOLATING THIS SECTION SHALL, IN ADDITION TO ALL OTHER PENALTIES PROVIDED FOR IN THIS SECTION, REMOVE OR CAUSE REMOVAL OF THE GRAFFITI AT THEIR SOLE EXPENSE AND AT THE DIRECTION AND UNDER THE SUPERVISION OF THE PROPERTY OWNER. IF THE PERSON, INCLUDING A MINOR AND THE MINOR'S PARENT OR LEGAL GUARDIAN, FAILS TO REMOVE THE GRAFFITI, THE PROPERTY OWNER MAY CAUSE THE GRAFFITI TO BE REMOVED AND CHARGE THE PERSON RESPONSIBLE FOR DOING SO FOR THE REMOVAL EXPENSES INCURRED, TO INCLUDE SUING IN A COURT OF COMPETENT JURISDICTION TO RECOVER SUCH EXPENSES.] Graffiti on any public or private property visible from any public right-of-way, including but not limited to any street, highway, road, alley or walkway, is declared a public nuisance. The municipality shall give notice to the property owner requesting the owner to remove or cause to be removed such graffiti.

I. *Anti-graffiti trust fund.* There is hereby created the municipal anti-graffiti trust fund. All civil

finer paid by violators of this section and ultimately received by the municipality shall be placed in the fund. The fund may also receive monetary donations from citizens, businesses and other organizations. The mayor, or his designee, shall direct the expenditure of monies in the fund. Such expenditures shall be limited to the payment of rewards under subsection J of this section and restoration costs.

J. *Reward for providing information.* Any person who shall provide information which leads to the actual payment of a fine by a violator of subsection C of this section, is entitled to receive from the municipality a monetary reward of up to \$500.00. The mayor, or his designee, shall determine the actual amount of reward and whether a particular reward shall be divided among persons based on the information provided and the number of persons providing the information. In no event shall the total reward relating to a particular violation exceed \$500.00.

[K. *MANDATORY JUVENILE COMMUNITY SERVICE.* ANY MINOR (UNDER THE AGE OF 18) VIOLATING THIS SECTION SHALL PERFORM COMMUNITY SERVICE, INCLUDING GRAFFITI REMOVAL SERVICE, OF NOT LESS THAN 20 HOURS AND NOT MORE THAN 100 HOURS, IN ADDITION TO ALL OTHER FINES, PENALTIES AND RESTORATION WORK. AT LEAST ONE PARENT OR LEGAL GUARDIAN SHALL BE PRESENT AT THE COMMUNITY SERVICE SITE FOR AT LEAST ONE-HALF OF THE COMMUNITY SERVICE HOURS REQUIRED OF THE MINOR.]

(AO No. 94-134(S), § 1, 9-8-94)

## **8.25 [8.05]**

### **WEAPON CRIMES [WEAPONS OFFENSES]**

#### **8.25.010 [8.05.670] Possession of weapon with intent to assault.**

A. It is unlawful for any person to knowingly have upon or about [HIM] his or her person any dangerous weapon with intent to assault another.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

#### **8.25.020 [8.05.070] Concealed weapons.**

A. It is unlawful for any person other than a peace officer to knowingly carry concealed about his or her person in any manner:

[A.]1. A revolver, pistol or other firearm;

[B.]2. A switchblade knife, gravity knife or any knife other than an ordinary folded pocket knife (one which has the blade stored in the handle and requires the bearer to physically pull the blade from the handle before it can be used), or a dirk or dagger;

[C.]3. A slingshot, metal knuckles, club, billy, blackjack or any other instrument or thing the principal purpose or use of which is as a weapon;

[D.]4. Any other instrument or thing which, because of the manner in which it is concealed and the accompanying circumstances, could reasonably be construed as being kept as a weapon or in order to achieve some violent purpose, and by which injury could be inflicted upon the person of another[; OR].

B.[E.] Nothing in this section shall be construed to prohibit the following:

1. Carrying a weapon concealed in a vehicle so long as the weapon is not also concealed on the person of an occupant of the vehicle; or
2. Carrying a concealed handgun in accordance with AS 18.65.700 through 18.65.790 by a person issued and carrying a valid permit under such state statutes.

C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment. In addition, the weapon shall be forfeited to the Municipality of Anchorage.

(AO No. 89-52; AO No. 94-72(S-1), § 1, 4-26-94; AO No. 94-171, § 1, 10-1-94)

State law reference(s)--Misconduct involving weapons in the third degree, AS 11.61.220.

**8.25.030 [8.05.240] Discharge[ING] of firearms.**

A. It is unlawful for any person to knowingly:

1. Shoot, discharge or flourish any firearm, air rifle or air pistol [FROM OR UPON A PUBLIC ROAD OR HIGHWAY] within the Municipality of Anchorage except in those areas open to the public for lawful hunting or upon established shooting ranges.
- [2. FLOURISH, POINT OR DISCHARGE A FIREARM, AIR RIFLE OR AIR PISTOL IN ANY URBAN AREA OR IN OR ON ANY MEANS OF PUBLIC TRANSPORTATION, OR IN OR NEAR A PARK OR PUBLIC GROUNDS, OR AT A PUBLIC PLACE, WHETHER PUBLIC IN ITSELF OR MADE PUBLIC AT THE TIME BY AN ASSEMBLAGE OF PEOPLE, EXCEPT IN THOSE AREAS OPEN TO THE PUBLIC FOR LAWFUL HUNTING OR UPON ESTABLISHED SHOOTING RANGES.]
- [3. DISCHARGE OR SHOOT A PISTOL OR OTHER FIREARM, AIR RIFLE OR AIR PISTOL INTO, IN, THROUGH OR AGAINST A DWELLING, HOUSE, SCHOOLHOUSE, CHURCH BUILDING, FACTORY, STOREHOUSE, COURTHOUSE OR A HOUSE OR BUILDING USED FOR MANUFACTURING PURPOSES, OR ANY HOUSE OR BUILDING USED FOR THE ASSEMBLING OF PEOPLE FOR BUSINESS OR PLEASURE.]

2.[4.] Have in his possession or under his control, or use or discharge, a firearm while such person is under the influence of intoxicating liquor or [A NARCOTIC, STIMULANT, HALLUCINOGENIC OR DEPRESSANT DRUG.] a controlled substance listed under AS 11.71.140 - 11.71.190.

B. This section shall not apply to any officer of the United States, the state or the municipality who is authorized to use firearms in the enforcement of any law or ordinance and who is actually engaged in such enforcement.

C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment. In addition, the firearm shall be forfeited to the Municipality of Anchorage. If the conviction under subsection A. of this section is for the discharge of a firearm from a vehicle, the court may order forfeiture of the defendant's interest in the vehicle to the municipality in addition to any other penalties.

(GAAB 18.05.010.D)

State law reference(s)--Misconduct involving weapons in the second degree, AS 11.61.210.

**8.25.040 [8.05.700] Drive-by shooting.**

A. A person commits the offense of a drive-by shooting if the person:

1. Intentionally, knowingly, or recklessly discharges a firearm into or at an occupiable dwelling from a motor vehicle;
2. Intentionally, knowingly, or recklessly discharges a firearm into an occupied or unoccupied motor vehicle from another motor vehicle; or
3. Drives or operates a motor vehicle from which a firearm is discharged into an occupiable dwelling or an occupied or unoccupied motor vehicle with the intent to aid the discharge, or with knowledge or reckless disregard that such action will occur.

B. It is prima facie evidence that a person drove or operated a motor vehicle with the [INTENT TO AID THE DISCHARGE OR WITH KNOWLEDGE OR RECKLESS DISREGARD] requisite mental state if, after the firearm is discharged, the person does not immediately stop the person's motor vehicle and:

1. Immediately by the quickest means of communication, give notice of such discharge to the police department along with the person's name and address;
2. Ascertain whether any person has been injured as a result of the discharge; and
3. Render reasonable assistance to any person injured due to the discharge, including

carrying or making arrangements for the carrying of any injured person for medical treatment if it is apparent medical treatment is necessary; or

4. In the case where only property damage has occurred the driver shall locate the property owner or attach securely in a prominent place in or on the damaged property a legible written notice which includes the person's name and address.

C. It is a defense to the charge under subsection A.3. of this section and any charge of aiding and abetting subsection A.1 or A.2 of this section that the driver or operator complied with the requirements of subsection B of this section.

D. Drive-by shooting is a misdemeanor punishable by a maximum fine of \$5,000.00 and a maximum term of imprisonment of one year, or both such fine and imprisonment. In addition, the firearm shall be forfeited to the Municipality of Anchorage. The court may also order forfeiture of the defendant's interest in the vehicle to the municipality.

(AO No. 95-187(S), § 1, 10-26-95)

**8.25.050 [8.05.250] Firearms on premises licensed for sale of alcoholic beverages.**

A. It is unlawful for any person to knowingly have in his possession or control any firearm on premises licensed for the sale of alcoholic beverages for consumption, or for any person to conceal a firearm on licensed premises.

B. Subsection A of this section shall not apply to the owner of the premises [OR TO AN EMPLOYEE OF THE PREMISES WHILE PERFORMING HIS DUTIES,] or to a peace officer.

C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 79-24)

State law reference(s)--Misconduct involving weapons in the third degree, AS 11.61.220.

**8.25.060 [8.05.255] Firearms on school grounds.**

A. It is unlawful for any person to knowingly have in his possession or control within the grounds of or on a parking lot immediately adjacent to a public or private preschool, elementary, junior high or [SECONDARY] high school:

1. A revolver, pistol or other firearm;
2. A switchblade knife, gravity knife or any knife other than a folded pocket knife (one which requires the bearer to physically pull the blade from the handle before it can be used), or a dirk or dagger; or

3. A slingshot, metal knuckles, club, billy, blackjack or other instrument or thing the principal purpose or use of which is as a weapon.

B. Subsection A of this section shall not apply to peace officers or persons who have express authorization of the school district superintendent or his designee or, in the case of a private or religious school, express authorization of the chief administrative officer of that school.

C. In the case of a conviction under subsection A of this section the weapon shall be disposed of as provided in section [8.50.020(F)] 8.05.020.F.

D. Weapons possessed by persons under 18 years of age (minors) in violation of subsection A of this section shall be seized and may be forfeited to the municipality in accordance with this section.

1. The legal owner of a weapon seized from a minor, if known, shall be notified by first class mail within 30 days of the seizure.

2. The legal owner may redeem the weapon upon providing the chief of police or designee with the following information:

a. Proof of ownership.

b. A description of precautions taken to prevent unauthorized access to the weapon.

c. A statement that the juvenile in possession of the weapon did not have permission to have access to the weapon.

d. A description of the steps the owner intends to take to prevent future incidents of unauthorized access.

3. The chief of police or designee may deny return of the weapon and order it forfeited if the chief, after considering information provided by the purported owner, police reports regarding the incident, information regarding prior incidents involving the weapon or the individuals, and such other relevant information as is presented, determines based upon a preponderance of the evidence that either:

a. The person claiming the weapon is not the rightful owner;

b. The owner failed to store the weapon in a manner which would reasonably be expected to prevent unauthorized access to the weapon; or

c. The owner authorized the minor to access the weapon during school hours.

4. If the legal owner is unknown, or fails to request return of the weapon under subsection D.2 of this section within 30 days of mailing of the notice under

subsection D.1 of this section, the weapon may be disposed of pursuant to chapter 7.25, pertaining to abandoned property.

E. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 90-122; AO No. 93-56(S))

**State law reference(s)**--Misconduct involving weapons in the third degree, AS 11.61.220.

**[8.05.260 POSSESSION OF WEAPONS BY MINORS]**

[A. A MINOR UNDER 18 YEARS OF AGE MAY NOT KNOWINGLY POSSESS A DANGEROUS WEAPON UNLESS HE:

[1. IS AT HIS RESIDENCE OR ON PRIVATELY OWNED REAL PROPERTY WITH THE PERMISSION OF THE OWNER, LICENSEE OR LESSEE OF THE PROPERTY;

[2. IS ACCOMPANIED BY A PARENT OR GUARDIAN WHILE HE HAS THE WEAPON IN HIS POSSESSION;

[3. HAS COMPLETED A FIREARMS SAFETY COURSE OR HUNTING SAFETY COURSE AND HAS PROOF OF SUCCESSFUL COURSE COMPLETION IN HIS POSSESSION; OR

[4. HAS IN HIS POSSESSION THE WRITTEN PERMISSION OF HIS PARENT OR LEGAL GUARDIAN TO HAVE THE WEAPON IN HIS POSSESSION, AND AT THE TIME OF POSSESSION HE:

[A. HOLDS A VALID HUNTING LICENSE ISSUED PURSUANT TO AS 16.05.330--16.05.430 AND WAS ACTIVELY ENGAGED IN TRAVELING TO OR RETURNING FROM A LAWFUL ACTIVITY RELATING TO HUNTING; OR

[B. IS TRAVELING TO OR FROM OR ENGAGING IN:

[(1) A HUNTER'S SAFETY COURSE;

[(2) A FIREARM SAFETY COURSE;

[(3) PRACTICING THE USE OF FIREARMS AT A SHOOTING RANGE OR ANY PLACE WHERE DISCHARGE IS NOT PROHIBITED; OR

[(4) AN ORGANIZED COMPETITION INVOLVING THE USE OF



FIREARMS AT AN AUTHORIZED SHOOTING RANGE; AND

[C. WHILE TRAVELING IN POSSESSION OF A FIREARM UNDER SUBSECTION A.4.A OR B OF THIS SECTION, SUCH FIREARM IS NOT LOADED.

[B. ANY MINOR UNDER 12 YEARS OF AGE IN KNOWINGLY POSSESSION OF A DANGEROUS WEAPON SHALL BE ACCOMPANIED BY A RESPONSIBLE ADULT UNLESS AT HIS RESIDENCE OR ON PRIVATELY OWNED REAL PROPERTY WITH THE PERMISSION OF THE OWNER, LICENSEE OR LESSEE OF THE PROPERTY.

[C. EXCEPT AS PROVIDED BY FEDERAL OR STATE LAW, A MINOR UNDER 18 YEARS OF AGE MAY NOT KNOWINGLY POSSESS THE FOLLOWING:

[1. A SAWED-OFF RIFLE OR SAWED-OFF SHOTGUN; OR

[2. A FULLY AUTOMATIC WEAPON.

[D. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE MEANING GIVEN IN THIS SUBSECTION:

[1. *SHOOTING RANGE* INCLUDES SHOOTING GALLERIES LICENSED PURSUANT TO SECTION 10.45.035 OR PUBLICLY OWNED SHOOTING RANGES.

[2. *DANGEROUS WEAPON* MEANS ANY WEAPON, THE CONCEALMENT OF WHICH IS PROHIBITED BY SECTION 8.05.070.

[3. *FULLY AUTOMATIC WEAPON* MEANS ANY FIREARM WHICH IS DESIGNED TO FIRE, OR CAN BE READILY RESTORED TO FIRE, AUTOMATICALLY MORE THAN ONE SHOT, WITHOUT MANUAL RELOADING, BY A SINGLE FUNCTION OF THE TRIGGER.

[4. *PARENTAL PERMISSION* MEANS WRITTEN APPROVAL OR PERMISSION TO POSSESS A FIREARM WHICH IS ON A FORM PRESCRIBED BY THE CHIEF OF POLICE, SIGNED BY THE MINOR'S PARENT OR LEGAL GUARDIAN, WHICH SPECIFICALLY DESCRIBES THE FIREARM AS FOLLOWS:

[A. TYPE;

[B. MANUFACTURER;

[C. CALIBER; AND

[D. SERIAL NUMBER.

[E. FOR THE PURPOSES OF THIS SECTION A FIREARM SHALL BE CONSIDERED LOADED IF:

[1. THERE IS A CARTRIDGE IN THE CHAMBER OF THE FIREARM;

[2. THERE IS A CARTRIDGE IN THE CYLINDER, IF THE FIREARM IS A REVOLVER;

[3. THERE IS A CARTRIDGE IN THE MAGAZINE WHICH IS ATTACHED TO THE FIREARM, IF THE FIREARM UTILIZES A MAGAZINE, WHETHER SUCH MAGAZINE IS DETACHABLE OR FIXED; OR

[4. THE FIREARM, AND THE AMMUNITION THEREFOR, ARE CARRIED ON THE PERSON OF THE JUVENILE OR ARE WITHIN SUCH CLOSE PROXIMITY THAT THE JUVENILE COULD READILY GAIN ACCESS TO THE FIREARM AND THE AMMUNITION AND LOAD THE FIREARM.

[F. IF A MINOR IS CONVICTED OF A VIOLATION OF THIS SECTION, THE COURT SHALL ORDER THE FORFEITURE OF THE FIREARM WHICH THE MINOR POSSESSED IN VIOLATION OF THIS SECTION. THE COURT SHALL ORDER THE RETURN OF THE FIREARM TO ITS LAWFUL OWNER ONLY IF THE OWNER SHOWS TO THE COURT, BY A PREPONDERANCE OF THE EVIDENCE, THAT SUCH FIREARM WAS OBTAINED BY THE MINOR WITHOUT PERMISSION OF THE OWNER.]

(AO No. 94-30, § 3, 4-19-94)

Editor's note--The referendum required by AS 11.61.220 was held on April 19, 1994.

Cross reference(s)--Sale or furnishing firearms to minors, § 8.05.430.

**8.25.070** [8.05.680] **Provision of firearm to violent minor by parent or guardian** [PARENT OR GUARDIAN PROVIDING FIREARM TO VIOLENT MINOR]

A. A parent or guardian may not intentionally or knowingly provide a firearm to, or permit the possession of a firearm by, any minor who has been convicted of a crime of violence in this or any other jurisdiction or any minor who has been adjudicated in a children's proceeding for an offense which would constitute a crime of violence if the minor were an adult. The term "minor" as used in this section means a person under the age of 18.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 94-22, § 2, 2-15-94)

**8.25.080 [8.05.690] Duty of parent or guardian who knows that a minor is in possession of a dangerous weapon [DUTY OF PARENT OR GUARDIAN KNOWING OF MINOR'S POSSESSION OF DANGEROUS WEAPON].**

- A. It is unlawful for any parent or guardian of a minor who knows that the minor is in possession of a dangerous weapon or a firearm in violation of this Code to fail to make reasonable efforts to remove the weapon or firearm from the minor's possession.
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 94-22, § 3, 2-15-94)

**8.25.090 [8.05.430] Sale or furnishing of firearms to minors.**

- A. A person may not knowingly give, barter, sell, lease or otherwise make available any firearm to a minor under 18 years of age unless the minor is accompanied by a parent or guardian.
- B. A person, including a parent or guardian, may not knowingly provide a handgun to a minor when the minor is prohibited from possessing a handgun.
- C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(GAAB 18.05.060; AO No. 94-22, § 1, 2-15-94)

Cross reference(s)--Possession of weapons by minors, § 8.05.260.

State law reference(s)--Misconduct involving weapons in the third degree, AS 11.61.220.

**Chapter 8.30[8.05]**

**CRIMES AGAINST PUBLIC ORDER**

**[CRIMES AGAINST PERSONS AND CRIMES AGAINST PROPERTY]**

**8.30.010 [8.05.530] Resisting or interfering with officer.**

- A. It is unlawful for any person to [WILLFULLY] intentionally resist, delay or obstruct any public officer in the discharge or attempt to discharge any duty of his office.
- B. It is unlawful for any person to [WILLFULLY] intentionally commit any of the following acts at the burning of a building or other emergency or at any other time and place where any firefighter or paramedic is discharging or attempting to discharge an official duty:

1. Resist, obstruct or interfere with the lawful efforts of any firefighter or paramedic in the discharge or attempted discharge of an official duty.
  2. Disobey the lawful orders of any public officer.
  3. [WILLFULLY] Intentionally engage in any conduct which delays or prevents a fire from being timely extinguished.
  4. Forbid or prevent others from assisting in extinguishing a fire, or exhort another person whom the actor has no legal right or obligation to protect or control from assisting in extinguishing a fire.
- C. It is unlawful for any person to [WILLFULLY] Intentionally injure, [OR] destroy, or take or attempt to take personal property [OR ASSIST ANY PERSON IN TAKING OR ATTEMPTING TO TAKE] from the custody of any public officer or person [ANY PERSONAL PROPERTY WHICH SUCH OFFICER OR PERSON HAS IN CHARGE UNDER ANY PROCESS OF LAW] which is possessed by process of law.
- D. For the purposes of this section, the term "public officer" means any police officer, firefighter or fire department official or animal control officer, or any public official engaged at the time of the offense in law enforcement duties.
- E. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 82-126; AO No. 89-52)

**8.30.020** [8.05.200] **False information.**

- A. It is unlawful for any person who is under arrest or detention by a peace officer for the purpose of issuance of a complaint or citation for violation of any state law or municipal ordinance to knowingly provide such officer with false information concerning the person's name, address, driver's license or date of birth, or any other matter necessary to proper issuance of the citation or complaint.
- B. It is unlawful for a person who has an arrest warrant outstanding to knowingly provide a peace officer with false information concerning the person's name, address, driver's license or date of birth, or any other matter necessary to proper service of the warrant.
- C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(GAAB 18.05.030; AO No. 82-134; AO No. 89-124)

State law reference(s)--Making a false report, AS 11.56.800(a)(2).

**8.30.030 [8.05.170] Escape and attempt to escape.**

- A. It is unlawful for any person to knowingly escape or attempt to escape from the detention or custody of a peace officer [UNDER ARREST] or from a jail or institution in which [HE] the person is detained by a peace officer or confined by direction of a court, or from custody under process issued by a court.
- B. It is unlawful for any person to [IN ANY WAY] knowingly aid or assist a person in an escape or attempted escape as defined in this section.
- C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 94-130, § 1, 9-20-94)

State law reference(s)--Escape in the fourth degree, AS 11.56.230.

**8.30.040 [8.05.175] Failure to report escape [REPORT OF FAILURE TO RETURN TO DETENTION].**

- A. It is a crime for the Department of Corrections to intentionally or knowingly fail to report escapes, attempted escapes, or the failure of inmates to return after authorized leave under AS 33.30.091 - .181 to the police department within 24 hours of the escape, attempted escape, or failure to return.

[A PERSON WHO COMMITS THE CRIME OF ESCAPE OR ATTEMPT TO ESCAPE IF, WHILE CHARGED WITH OR CONVICTED OF A MISDEMEANOR UNDER THIS CODE, AND WHO IS ASSIGNED TO JAIL OR AN INSTITUTION WITHIN THE MUNICIPALITY BY CORRECTIONS AUTHORITIES, KNOWINGLY FAILS TO RETURN TO OFFICIAL DETENTION WITHIN THE TIME AUTHORIZED FOLLOWING TEMPORARY LEAVE GRANTED FOR A SPECIFIED PURPOSE OR A LIMITED PERIOD INCLUDING LEAVE GRANTED UNDER AS 33.30.091--33.30.181 SHALL BE REPORTED BY THE JAIL OR INSTITUTION TO THE POLICE DEPARTMENT AND THE MUNICIPALITY DEPARTMENT OF LAW, PROSECUTION DIVISION WITHIN 24 HOURS.]

- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 94-130, § 2, 9-20-94)

**8.30.050 [8.05.190] False reports [GENERALLY].**

- A. It is unlawful for any person to report to any police officer, district attorney, prosecutor,

1 assistant district attorney, or other official of any public law enforcement or prosecution  
2 agency that a felony or misdemeanor has been committed, knowing such report to be false.

3  
4 B. It is unlawful for any person to register, make, render, or report any false alarm, report or  
5 complaint to either the fire department or the police department, knowing such a report to  
6 be false.

7  
8 C. Violation of this section shall, upon conviction, be punished by a fine of not more than  
9 \$1,000.00 or imprisonment for not more than six months, or both such fine and  
10 imprisonment.

11  
12 State law reference(s)--Making a false report, AS 11.56.800.

13  
14 **8.30.060 [8.05.210] False bomb report.**

15  
16 A. It is unlawful for any person to knowingly make a false report that a bomb or other explosive  
17 has been placed or secreted in any public or private place:

18  
19 [A. REPORT TO ANY POLICE OFFICER, PROSECUTOR, EMPLOYEE OF A FIRE  
20 DEPARTMENT OR FIRE SERVICE, DISTRICT ATTORNEY, NEWSPAPER, RADIO  
21 STATION, TELEVISION STATION, ASSISTANT DISTRICT ATTORNEY, EMPLOYEE  
22 OF AN AIRLINE, AIRPORT, RAILROAD OR BUS LINE, EMPLOYEE OF A  
23 TELEPHONE COMPANY, OCCUPANTS OF A BUILDING, OR A NEWS REPORTER  
24 IN THE EMPLOY OF A NEWSPAPER OR RADIO OR TELEVISION STATION THAT  
25 A BOMB OR OTHER EXPLOSIVE DEVICE HAS BEEN PLACED OR SECRETED IN  
26 ANY PUBLIC OR PRIVATE PLACE, KNOWING THAT SUCH REPORT IS FALSE.]

27  
28 [B. MALICIOUSLY INFORM ANY OTHER PERSON THAT A BOMB OR OTHER  
29 EXPLOSIVE DEVICE HAS BEEN PLACED OR SECRETED IN ANY PUBLIC OR  
30 PRIVATE PLACE, KNOWING THAT SUCH INFORMATION IS FALSE.]

31  
32 B. Violation of this section shall, upon conviction, be punished by a fine of not more than  
33 \$1,000.00 or imprisonment for not more than six months, or both such fine and  
34 imprisonment.

35  
36 State law reference(s)--Terroristic threatening, AS 11.56.810.

37  
38 **8.30.070 [8.05.290] Impersonation of public officer.**

39  
40 A. A person commits the crime of impersonation of a public officer if the person knowingly and  
41 falsely represents himself to be a public officer and in such assumed character:

42  
43 1. Obtains money, property, or other thing of value, or

44  
45 2. Arrests or detains, threatens to arrest or detain, or otherwise threatens any person; or  
46

3. Searches a person or property; or

4. Obtain or requires the assistance of another in any matter pertaining to the duties of a public officer.

B. As used in this section, a public officer includes peace officers, firemen, paramedics, magistrates, judges, municipal attorneys and prosecutors, municipal inspectors, officials, or clerks, but is not limited to them.

C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

[A. IT IS UNLAWFUL FOR ANY PERSON TO FALSELY REPRESENT HIMSELF TO BE A PUBLIC OFFICER, INCLUDING BUT NOT LIMITED TO AN INVESTIGATOR, INSPECTOR OR DEPUTY CLERK IN ANY MUNICIPAL DEPARTMENT, OR IN SUCH ASSUMED CHARACTER TO ARREST OR DETAIN, THREATEN TO ARREST OR DETAIN, OR OTHERWISE INTIMIDATE ANY PERSON OR SEARCH THE PERSON, BUILDING OR OTHER PROPERTY OF ANY PERSON, OR OBTAIN MONEY, PROPERTY OR OTHER THING OF VALUE.

[B. IT IS UNLAWFUL FOR ANY PERSON TO FALSELY ASSUME TO BE A MAGISTRATE OR PEACE OFFICER, OR TO ACT AS SUCH, AND REQUIRE ANY OTHER PERSON TO IN ANY WAY AID OR ASSIST IN ANY MATTER PERTAINING TO THE DUTY OF A MAGISTRATE OR PEACE OFFICER.]

State law reference(s)--Impersonating a public servant, AS 11.56.830.

**8.30.080 [8.05.180] Tampering with [OR WITHHOLDING EVIDENCE] Official Proceedings**

A. A person commits the crime of tampering with official proceedings if:

1. The person intentionally destroys, alters, conceals, or withholds any item knowing such item is relevant to a criminal investigation or trial;

2. The person renders assistance to a person who has committed a crime with the intent to hinder the apprehension, prosecution, conviction or punishment of that person;

a. For the purposes of this section, "renders assistance" is defined in accordance with AS 11.56.770 (b).

3. The person knowingly induces or attempts to induce a witness to testify falsely, offer misleading testimony, or withhold testimony or evidence in an official proceeding;

4. The person knowingly induces or attempts to induce a witness to be absent from a judicial proceeding to which the witness has been summoned or subpoenaed.

5. The person harms or threatens harm to the person or property of another with the intent to influence the testimony of a witness, influence or retaliate against a juror.

6. The person makes a false statement which the person does not believe to be true under oath in a municipal criminal case.

a. Retraction as set forth in AS 11.56.235 is a defense to subsection A.6. of this section

~~7. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5000.00 or imprisonment for not more than one year or both.~~

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5000.00 or imprisonment for not more than one year or both. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months or both such fine and imprisonment.

[IT IS UNLAWFUL FOR ANY PERSON, KNOWING THAT ANY BOOK, PAPER, RECORD, INSTRUMENT IN WRITING, OR OTHER MATTER OR THING IS ABOUT TO BE PRODUCED IN EVIDENCE UPON ANY TRIAL, INQUIRY OR CRIMINAL INVESTIGATION AUTHORIZED BY LAW, TO WILLFULLY DESTROY, ALTER, CONCEAL OR WITHHOLD SUCH EVIDENCE.]

State law reference(s)--Tampering with physical evidence, AS 11.56.610.

**8.30.090 [8.05.185] Failure to appear.**

A. It is unlawful for any person charged with violating any provision of this Code, which violation is punishable as a crime, to fail to appear for any arraignment, hearing, trial or other court appearance which pertains to such charge after having been given proper notice in person or through authorized counsel.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months or both such fine and imprisonment.

C. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60.

(AO No. 80-92)

State law reference(s)--Failure to obey citation, AS 12.25.230.



**8.30.100** [8.05.560] **Solicitation [TO] of illegal act.**

- A. It is unlawful to knowingly solicit a person for the purpose of committing any illegal act.
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(GAAB 18.05.010.R)

State law reference(s)--Solicitation, AS 11.31.110, AS 11.81.900(b)(55).

**8.30.110** [8.05.186] **Violation of conditions of release.**

- A. It is unlawful for any person charged with any criminal offense [UNDER THIS CODE] to knowingly violate or fail to adhere to any restrictions on travel, association, place of abode, or any other restriction or condition of release, with or without bail, imposed by any court in connection with such charge.
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 94-203, § 1, 12-13-94)

**8.30.120** [8.05.120] **Disorderly conduct.**

- A. It is unlawful for any person to:
1. Knowingly solicit another to engage in or engage in sexual penetration, as defined by AS 11.81.900(b)(55), in a public place or a place reasonably exposed to public view.
  2. Knowingly generate loud noise in a public place with the intent to disturb others or in reckless disregard of the peace and privacy of others.
  3. Knowingly generate loud noise in a private place with the intent to disturb others or in reckless disregard of the peace and privacy of others after having been informed that the loud noise is disturbing the peace and privacy of others not in the same place.
  4. Knowingly look or peep into an enclosed area for the purpose of observing another person who has a reasonable expectation of privacy therein. As used in this subsection, the term "enclosed area" includes but is not limited to tanning booths, dressing rooms, toilets, and washrooms.
  5. Knowingly refuse to comply with a lawful order of the police to disburse in a public

place when a criminal offense has occurred.

6. Knowingly challenge another to fight, or engage in fighting other than in self-defense.

7. Knowingly or recklessly create a hazardous condition for others.

8. Intentionally spit on a police officer.

B. For purposes of this section, the term:

1. Loud noise, in a private place, means noise which is loud enough to awaken the average person sleeping in a place other than the private place. If the loud noise constitutes speech, the content of speech or evidence of specific words used by the defendant is admissible in evidence against him only as permitted by court rule.

2. Loud noise, in a public place, means noise which is loud enough to inhibit the ability of the average person in the same place to converse freely without leaving the public place.

3. Public place means a place where the public is permitted to assemble, enter or pass through, whether publicly or privately maintained, including but not limited to places of accommodation, transportation, business and entertainment, or any other place which is not a private place.

C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

[IT IS UNLAWFUL FOR ANY PERSON TO COMMIT ANY OF THE FOLLOWING ACTS, WHICH SHALL CONSTITUTE DISORDERLY CONDUCT:

[A. SOLICITATION OF ANY PERSON TO ENGAGE IN, OR ENGAGING IN, LEWD CONDUCT IN ANY PUBLIC PLACE OR IN ANY PLACE OPEN TO THE PUBLIC OR EXPOSED TO PUBLIC VIEW.

[B. ACCOSTING ANOTHER IN ANY PUBLIC PLACE OR IN ANY PLACE OPEN TO THE PUBLIC FOR THE PURPOSES OF BEGGING OR SOLICITING ALMS.

[C. ENGAGING IN OR SOLICITING ANY LEWD OR LASCIVIOUS OR UNLAWFUL ACT IN OR ABOUT ANY TOILET OPEN TO THE PUBLIC.

[D. IN A PUBLIC PLACE, REPEATEDLY OR CONTINUOUSLY SHOUTING, BLOWING A HORN, PLAYING A MUSICAL OR RECORDING OR AMPLIFYING INSTRUMENT, OR OTHERWISE GENERATING LOUD NOISES INTENDED TO DISTURB OR ACTING WITH RECKLESS DISREGARD FOR THE PEACE AND PRIVACY OF

OTHERS, OR, IN A PRIVATE PLACE, ENGAGING IN THE SAME CONDUCT WITH THE SAME INTENT OR RECKLESS DISREGARD, HAVING BEEN INFORMED BY ANOTHER THAT THE CONDUCT IS DISTURBING THE PEACE AND PRIVACY OF OTHERS NOT IN THE SAME PLACE.

[E. IN A PUBLIC OR PRIVATE PLACE, LOOKING OR PEEPING INTO AN ENCLOSED AREA FOR THE PURPOSE OF OBSERVING ANOTHER PERSON WHO HAS A REASONABLE EXPECTATION OF PRIVACY THEREIN. AS USED IN THIS SUBSECTION, THE TERM "ENCLOSED AREA" INCLUDES BUT IS NOT LIMITED TO TANNING BOOTHS, DRESSING ROOMS, TOILETS AND WASHROOMS.

[F. LODGING IN ANY BUILDING, STRUCTURE OR PLACE, WHETHER PUBLIC OR PRIVATE, WITHOUT THE PERMISSION OF THE OWNER OR PERSON ENTITLED TO THE POSSESSION OR IN CONTROL THEREOF.

[G. IN A PUBLIC PLACE, WHEN A CRIMINAL OFFENSE HAS OCCURRED, REFUSING TO COMPLY WITH A LAWFUL ORDER OF THE POLICE TO DISPERSE, OR, IN A PRIVATE PLACE, REFUSING TO COMPLY WITH AN ORDER OF THE POLICE TO LEAVE PREMISES IN WHICH THE PERSON SO REFUSING HAS NEITHER A RIGHT OF OCCUPANCY NOR THE EXPRESS INVITATION TO REMAIN OF THE PERSON HAVING THE RIGHT OF POSSESSION.

[H. IN A PUBLIC OR PRIVATE PLACE, CHALLENGING ANOTHER TO FIGHT, OR ENGAGING IN FIGHTING OTHER THAN IN SELF-DEFENSE.

[I. IN A PUBLIC OR PRIVATE PLACE, KNOWINGLY OR RECKLESSLY CREATING A HAZARDOUS CONDITION FOR OTHERS BY AN ACT WHICH HAS NO LEGAL JUSTIFICATION OR EXCUSE.

[J. SLEEPING IN A PUBLIC PLACE, EXCEPT WHERE CAMPING IS PERMITTED, WHILE INTOXICATED.

[K. FOR PURPOSES OF THIS SECTION, THE TERM:

[1. *LOUD NOISE*, IN A PRIVATE PLACE, MEANS NOISE WHICH IS LOUD ENOUGH TO AWAKEN THE AVERAGE PERSON SLEEPING IN A PLACE OTHER THAN THE PRIVATE PLACE. IF THE LOUD NOISE CONSTITUTES SPEECH, THE CONTENT OF SPEECH OR EVIDENCE OF SPECIFIC WORDS USED BY THE DEFENDANT IS ADMISSIBLE IN EVIDENCE AGAINST HIM ONLY AS PERMITTED BY COURT RULE.

[2. *LOUD NOISE*, IN A PUBLIC PLACE, MEANS NOISE WHICH IS LOUD ENOUGH TO INHIBIT THE ABILITY OF THE AVERAGE PERSON IN THE SAME PLACE TO CONVERSE FREELY WITHOUT LEAVING THE PUBLIC PLACE.

[3. *PUBLIC PLACE* MEANS A PLACE WHERE THE PUBLIC IS PERMITTED TO ASSEMBLE, ENTER OR PASS THROUGH, WHETHER PUBLICLY OR PRIVATELY MAINTAINED, INCLUDING BUT NOT LIMITED TO PLACES OF ACCOMMODATION, TRANSPORTATION, BUSINESS AND ENTERTAINMENT, OR ANY OTHER PLACE WHICH IS NOT A PRIVATE PLACE.

[L. FOR A SECOND OR SUBSEQUENT CONVICTION OF AN OFFENSE UNDER SUBSECTION J OF THIS SECTION WITHIN TWO YEARS THE MUNICIPALITY MAY PLACE THE INDIVIDUAL'S NAME AND OTHER IDENTIFYING INFORMATION IN A DATA BASE, AND MAY MAKE SUCH DATA BASE AVAILABLE TO THE PUBLIC. ANY PERSONS LISTED ON SUCH A DATA BASE SHALL BE DELETED FROM THE DATA BASE IF TWO YEARS ELAPSE WITHOUT ANOTHER CONVICTION FOR THE SAME OFFENSE.]

(GAAB 18.05.010; AO No. 89-52; AO No. 95-149(S), § 1, 11-2-95)

State law reference(s)--Disorderly conduct, AS 11.61.110.

**Chapter 8.35[8.20]  
DRUG ABUSE AND PARAPHERNALIA**

**8.35.010 [8.20.010] Definition.**

A. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Controlled substance* means a narcotic drug as defined in AS 17.10.230(13) and as supplemented by any regulations adopted under AS 17.10; and a depressant, hallucinogenic or stimulant drug as defined in AS 17.12.150(3) and as supplemented by any regulations adopted under AS 17.12; and shall also include marijuana, hashish and cocaine.

*Drug paraphernalia* means all items, equipment, devices, products and materials of any kind which are used, or intended for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance. Drug paraphernalia includes but is not limited to:

1. Kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. Kits used or intended for use in manufacturing, compounding, converting, producing,

processing, or preparing controlled substances.

3. Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance.
4. Testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances except for use by or under the direction of law enforcement agencies or medical research or treatment facilities.
5. Scales and balances used or intended for use in weighing or measuring controlled substances.
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled substances.
7. Separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
8. Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances.
9. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
10. Containers and other objects used or intended for use in storing or concealing controlled substances.
11. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body.
12. Objects used or intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
  - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
  - b. Water pipes.
  - c. Carburetion tubes and devices.
  - d. Smoking and carburetion masks.
  - e. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.

- f. Miniature cocaine spoons and cocaine vials.
- g. Chamber pipes.
- h. Carburetor pipes.
- i. Electric pipes.
- j. Air-driven pipes.
- k. Chillums.
- l. Bongs.
- m. Ice pipes or chillers.

B. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by the manufacturer, the owner or by anyone in control of the object concerning its use.
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.
3. The proximity of the object, in time and space, to a direct violation of AS 17.10 or AS 17.12.
4. The proximity of the object to controlled substances.
5. The existence of any residue of controlled substances on the object.
6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of AS 17.10 or AS 17.12. The innocence of an owner, or of anyone in control of the object, as to a direct violation of AS 17.10 or AS 17.12 shall not prevent a finding that the object is intended for use as drug paraphernalia.
7. Instructions, oral or written, provided with the object concerning its use.
8. Descriptive materials accompanying the object which explain or depict its use.
9. National and local advertising concerning its use.
10. The manner in which the object is displayed for sale.

11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
12. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
13. The existence and scope of legitimate uses for the object in the community.
14. Expert testimony concerning its use.

*Sell* and *sale* mean the commercial transfer of ownership, possession or use of drug paraphernalia in the regular course of a wholesale or retail business for consideration of any type.

(AO No. 81-219)

Cross reference(s)--Definitions and rules of construction generally, § 1.05.020.

**8.35.020 [8.20.020] Sale of drug paraphernalia.**

It is unlawful for any person to sell, or possess with intent to sell, drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance, except as specifically authorized and permitted under the provisions of AS 17 and by such rules and regulations as are adopted pursuant thereto.

(AO No. 81-219)

**8.35.030 [8.20.030] Penalty; additional remedies.**

- A. *Civil penalty; injunctive relief.* Any person who violates any provision of this chapter shall be subject to a civil penalty of not less than \$50.00 and not more than \$1,000.00 for each offense or injunctive relief to restrain the person from continuing the violation or threat of violation, or both injunctive relief and a civil penalty. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this chapter, the superior court shall grant injunctive relief to restrain the violation.
- B. *Continuing violations.* Each day of violation of any provision of this chapter shall constitute a separate offense.
- C. *Forfeiture of paraphernalia.* Any item sold or possessed with the intent to sell by any person after a court has adjudicated such an item to constitute drug paraphernalia as defined by section [8.20.010] shall be subject to forfeiture of the paraphernalia to the municipality upon order of the court entered in any injunction proceedings instituted under the authority of this section or in a separate forfeiture action instituted by the municipality.

(AO No. 81-219)

**Chapter 8.40[8.60]  
FALSE ALARMS**

**8.40.010 [8.60.010] Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm* means any operable device except an official municipal fire alarm, but including, without limitation, automatic dialing devices which telephone a prerecorded message or transmit a signal or message to the police department and devices that produce an audible or visible signal which is intended to alert the police or some other person that a criminal act or other emergency exists and requires assistance. Devices commonly known as smoke alarms intended primarily for residential use and designed to emit a signal upon the detection of smoke, fumes or heat shall not be considered alarms for purposes of this chapter.

*Chief of police* means the chief of the municipal police department or his designee.

*False alarm* means an alarm signal that the chief of police determines is caused by a reason other than that condition which the alarm is designed or intended to detect or a natural phenomenon beyond the control of the owner.

*Owner* means a person who is responsible for the proper operation of an alarm under this chapter and who has registered with the chief of police pursuant to section 8.40.030 [8.60.030].

(AO No. 80-18)

Cross reference(s)--Definitions and rules of construction generally, § 1.05.020.

**8.40.020 [8.60.020] Prohibited acts.**

- A. No person shall knowingly cause, permit or allow a false alarm signal to be emitted from an alarm.
- B. No person shall knowingly own, install, connect, operate or possess an alarm except as provided in this chapter.
- C. No person shall knowingly own, operate, connect, install or possess an audible alarm unless that alarm automatically ceases to emit an audible sound after 15 minutes and does not repeat the audible sound thereafter.
- D. No person shall knowingly install, connect, own or possess an automatic direct dial alarm in such a fashion as to ring any telephone number at the police department other than those



which the chief of police may designate for such use.

(AO No. 80-18)

**8.40.030** [8.60.030] **Alarm registration.**

-A person who owns or possesses an alarm shall register immediately certain information required by the chief of police with the chief of police, including, without limitation, the identity of the owner, the location of the alarm, and the name and telephone number of a responsible individual for that alarm. An owner is under a continuing obligation to keep the information on his registration current by reporting any change to the chief of police within ten days.

(AO No. 80-18)

**8.40.040** [8.60.040] **False alarm charges.**

- A. Except as otherwise provided in this chapter, the owner of an alarm shall pay a charge in accordance with this section for each and every false alarm to which the police respond:
1. First two false alarms at each identifiable separate location during a period of six months: No charge.
  2. Each false alarm in excess of two in any six-month period: \$35.00.
- B. The municipality shall bill the owner for false alarms, and the owner shall pay those charges in the manner provided by the municipality. If an owner fails to pay charges assessed pursuant to this section, the municipality may seek payment by any lawful means.
- C. This section shall not apply to a false alarm occurring within 30 days immediately following installation of that alarm.
- D. All false alarms charges shall be deposited in the police service area fund.

(AO No. 80-18)

**8.40.050** [8.60.050] **Existing alarms.**

Any person who presently owns, operates or possesses any alarm within the municipality which does not conform to the requirements of this chapter shall disconnect that alarm and render it inoperable or alter it in accordance with this chapter no later than June 18, 1980.

(AO No. 80-18)

**8.40.060** [8.60.060] **Penalty** [INJUNCTIVE RELIEF].

- A. In addition to any other remedy or penalty provided by this chapter, a person who knowingly

violates a provision of this chapter shall be subject to a civil penalty of not more than \$1,000.00 for each offense, or injunctive relief to restrain the person from continuing the violation or threat of the violation, or both such civil penalty and injunctive relief. Upon application by the municipality for injunctive relief and a finding that a person is violating or threatening to violate a provision of this chapter, the superior court shall grant injunctive relief to restrain the violation.

- B. Each day during which a violation described in this section occurs shall constitute a separate offense.

(AO No. 80-18)

### Chapter 8.45[8.30] TRESPASS

#### **8.45.010** [8.30.010] **Trespass** [PROHIBITED; DEFINITION; DEFENSES].

**A. A person commits the crime of criminal trespass if the person:**

1. Knowingly enters or remains on private residential property or in a privately owned vehicle without a privilege to do so.
2. Knowingly enters or remains on private business or commercial property
  - a. When it is not open to the public; or
  - b. In violation of a prominently posted notice against trespass or use; or
  - c. When the person has actual notice the property is not open to him or her; or
  - d. After the person has been requested to leave by someone with the apparent authority to do so.
3. Knowingly enters or remains on public premises or property, or in a public vehicle when the premises, property, or vehicle is not open to the public or after the person has been requested to leave by someone with the apparent authority to do so.
4. Knowingly enters or remains on undeveloped public or private property
  - a. In violation of a prominently posted notice against trespass or use; or
  - b. When the person has had other actual or constructive notice that the property is not open to him or her; or
  - c. After the person has been requested to leave by someone with the apparent authority to do so.

1           B.   It is an affirmative defense to prosecution under sections (A)(1) that the entry, use, or  
2               occupancy of premises or use of personal property on the premises is for an emergency in  
3               the case of immediate and dire need; and as soon as reasonably practical after the entry, use,  
4               or occupancy, the person contacts the owner of the premises, the owner's agent, or if the  
5               owner is unknown, the nearest state or local police agency, and makes a report of the time  
6               of the entry, use, or occupancy, and any damage to the premises or personal property, unless  
7               notice waiving necessity of the report is posted on the premises by the owner or the owner's  
8               agent.

9  
10          C.   It is an affirmative defense to prosecution under section (A)(3) that the person was engaged  
11               in the legitimate expression of first amendment freedoms and the expression did not

12  
13           1.   Obstruct or delay access or exit to and from the property; or

14  
15           2.   Intentionally, knowingly or recklessly intimidate users, residents, or occupants of the  
16               property; or

17  
18           3.   Occur in an unreasonable time, place or manner; or

19  
20           4.   Violate the terms of any court order, official permit, consent decree, judicial or legal  
21               process; or

22  
23           5.   Endanger the public welfare or security.

24  
25          D.   Violation of this section shall, upon conviction, be punished by a fine of not more than  
26               \$5000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

27  
28          [A.   IT SHALL BE UNLAWFUL FOR ANY PERSON TO COMMIT A TRESPASS WITHIN  
29               THE MUNICIPALITY UPON EITHER PUBLIC OR PRIVATE PREMISES.

30  
31          [B.   ANY OF THE FOLLOWING ACTS BY ANY PERSON SHALL BE DEEMED THOSE  
32               THAT CONSTITUTE TRESPASSES IN VIOLATION OF THE PROVISIONS OF  
33               SUBSECTION A OF THIS SECTION, AND APPROPRIATE ACTION MAY BE TAKEN  
34               UNDER THIS SECTION AT ANY TIME, OR FROM TIME TO TIME, TO PREVENT OR  
35               PUNISH ANY VIOLATION OF THIS SECTION. SUCH ACTS SHALL INCLUDE:

36  
37           [1.   AN ENTRY UPON PRIVATE PREMISES, OR ANY PART THEREOF, OF  
38               ANOTHER, IN VIOLATION OF A NOTICE POSTED OR EXHIBITED AT A  
39               CONSPICUOUS LOCATION ON OR AT ANY POINT OF APPROACH OR  
40               ENTRY TO SUCH PREMISES, OR IN VIOLATION OF ANY NOTICE,  
41               WARNING, PROTEST OR REQUEST TO LEAVE GIVEN ORALLY OR IN  
42               WRITING, BY AN OWNER, LEGAL OCCUPANT OR OTHER PERSON  
43               AUTHORIZED, OR EMPOWERED BY LAW, TO ACT ON BEHALF OF THE  
44               OWNER OR LEGAL OCCUPANT THEREOF;

45           [2.   THE PURSUIT OF A COURSE OF CONDUCT OR ACTION INCIDENTAL TO  
46

THE MAKING OF AN ENTRY UPON OR INTO THE PRIVATE PREMISES OF ANOTHER IN VIOLATION OF A NOTICE POSTED OR EXHIBITED AT A CONSPICUOUS LOCATION ON OR AT ANY POINT OF APPROACH OR ENTRY TO SUCH PREMISES, OR IN VIOLATION OF ANY NOTICE, WARNING, PROTEST OR REQUEST TO LEAVE GIVEN ORALLY OR IN WRITING BY ANY OWNER, LEGAL OCCUPANT OR PERSON AUTHORIZED, OR EMPOWERED BY LAW, TO ACT ON BEHALF OF THE OWNER OR LEGAL OCCUPANT THEREOF;

[3. A FAILURE OR REFUSAL TO DEPART FROM THE PRIVATE PREMISES OF ANOTHER IN CASE OF BEING REQUESTED, FOR ANY REASON, EITHER ORALLY OR IN WRITING, BY ANY OWNER, LEGAL OCCUPANT OR PERSON AUTHORIZED, OR EMPOWERED BY LAW, TO ACT ON BEHALF OF THE OWNER OR LEGAL OCCUPANT THEREOF;

[4. AN ENTRY INTO OR UPON ANY VEHICLE, AIRCRAFT OR WATERCRAFT MADE WITHOUT THE CONSENT OF THE PERSON HAVING THE RIGHT TO THE POSSESSION OR CONTROL THEREOF, OR A FAILURE OR REFUSAL TO LEAVE ANY SUCH VEHICLE, AIRCRAFT OR WATERCRAFT AFTER BEING REQUESTED TO LEAVE BY THE PERSON HAVING SUCH RIGHT;

[5. THE PURSUIT OF A COURSE OF CONDUCT OR ACTION UPON PUBLICLY OWNED, OPERATED OR CONTROLLED PREMISES THAT OBSTRUCTS OR HINDERS THE FUNCTIONS OF A PRIVATE OR GOVERNMENT BUSINESS, A GOVERNMENT ACTIVITY OR PEDESTRIAN OR MOTOR VEHICULAR ACTIVITY ON THE PUBLIC PREMISES;

[6. THE OCCUPANCY OR ENTRY UPON PUBLIC PREMISES AFTER BUSINESS HOURS OR WHILE CLOSED IN VIOLATION OF A NOTICE POSTED OR EXHIBITED AT A CONSPICUOUS LOCATION ON OR AT ANY POINT OF APPROACH OR ENTRY TO SUCH PREMISES WHICH IS REASONABLY CALCULATED TO PROVIDE NOTICE TO PERSONS APPROACHING OR ENTERING THE PREMISES; OR

[7. THE OCCUPANCY OR ENTRY UPON PUBLIC PREMISES WHICH POSES OR MAY POSE FORESEEABLE DANGER TO TRESPASSERS AND WHICH IS NOT INTENDED FOR ACCESS OR USE BY THE GENERAL PUBLIC IN VIOLATION OF A NOTICE POSTED OR EXHIBITED AT A CONSPICUOUS LOCATION ON OR AT ANY POINT OF APPROACH OR ENTRY TO SUCH PREMISES WHICH IS REASONABLY CALCULATED TO PROVIDE NOTICE TO PERSONS APPROACHING OR ENTERING THE PREMISES.

[C. ANY PERSON MAY LAWFULLY AND PROPERLY USE THE FACILITIES OF A PUBLIC PLACE WITHOUT VIOLATING THIS SECTION, SUBJECT TO THE USE BEING OF THE TYPE AND MANNER FOR WHICH THE FACILITY HAS BEEN DESIGNATED AND REASONABLY INTENDED OR EXPECTED TO BE USED. ANY

1 OTHER NONCONFORMING USES OR ATTEMPTED USES THAT ARE BEYOND OR  
2 OTHER THAN THAT FOR WHICH THE FACILITY HAS BEEN DESIGNATED AND  
3 REASONABLY INTENDED OR EXPECTED TO BE USED ARE PROHIBITED AND  
4 SHALL BE DEEMED A VIOLATION OF THIS SECTION.  
5

6 [D. BEFORE ANY PERSON MAY LAWFULLY BE PROSECUTED AND CONVICTED  
7 FOR VIOLATING THE PROHIBITIONS OF THIS SECTION PERTAINING TO PUBLIC  
8 PREMISES, THE FOLLOWING ELEMENTS MUST BE ESTABLISHED:  
9

10 [1. THE PERSON SEEKING ENFORCEMENT MUST BE AUTHORIZED, OR  
11 EMPOWERED BY LAW, TO ACT ON BEHALF OF THE OWNER OR LEGAL  
12 OCCUPANT OF THE PREMISES;  
13

14 [2. THE PERSON SEEKING ENFORCEMENT MUST FIRST CLEARLY IDENTIFY  
15 HIMSELF TO THE SUSPECTED TRESPASSER AS BEING AUTHORIZED TO  
16 ACT AS OR ON BEHALF OF THE OWNER OR LEGAL OCCUPANT OF THE  
17 PREMISES;  
18

19 [3. THE PERSON SEEKING ENFORCEMENT MUST ASCERTAIN WHETHER  
20 THE SUSPECTED TRESPASSER IS ACTING IN A MANNER WHICH  
21 VIOLATES SUBSECTION B.5, B.6 OR B.7 OF THIS SECTION, OR WHICH IS  
22 BEYOND THE LIMITS SET FORTH IN SUBSECTION C OF THIS SECTION.  
23 THE FACT THAT A SUSPECTED TRESPASSER HAS FAILED TO RESPOND  
24 TO A DIRECT INQUIRY MADE VERBALLY BY THE PERSON SEEKING  
25 ENFORCEMENT MAY, IN CONJUNCTION WITH OTHER KNOWN  
26 PERCEPTIONS AND CIRCUMSTANCES, BE CONSIDERED FOR PURPOSES  
27 OF ASCERTAINING WHETHER THE SUSPECTED TRESPASSER IS IN  
28 VIOLATION OF THIS SECTION;  
29

30 [4. IF THE PERSON SEEKING ENFORCEMENT HAS REASONABLE BELIEF  
31 THAT THE SUSPECTED TRESPASSER IS ACTING IN VIOLATION OF  
32 SUBSECTION B.5, B.6 OR B.7 OF THIS SECTION, OR SUBSECTION C OF  
33 THIS SECTION, THE PERSON SEEKING ENFORCEMENT SHALL REQUEST  
34 THAT THE SUSPECTED TRESPASSER DEPART THE PREMISES OR CEASE  
35 THE CONDUCT OR ACTIVITY PROHIBITED BY THIS SECTION. FAILURE  
36 OF THE SUSPECTED TRESPASSER TO COMPLY WITH A REQUEST MADE  
37 BY THE PERSON SEEKING ENFORCEMENT IN ACCORDANCE WITH THIS  
38 SUBSECTION CONSTITUTES A VIOLATION OF THIS SECTION.  
39

40 [E. THE FOLLOWING DEFENSES APPLY TO ACTIONS FOR TRESPASS UPON PUBLIC  
41 PREMISES:  
42

43 [1. FAILURE OF THE PERSON SEEKING ENFORCEMENT TO FIRST COMPLY  
44 WITH THE NOTICE REQUIREMENTS SET FORTH IN SUBSECTIONS D.2  
45 AND D.4 OF THIS SECTION SHALL ACT AS A BAR TO A PROSECUTION  
46 FOR VIOLATION OF THIS SECTION.

[2. IT IS AN AFFIRMATIVE DEFENSE TO A VIOLATION PREDICATED UNDER THE PROVISIONS OF SUBSECTION D.4 OF THIS SECTION THAT THE BELIEF OF THE PERSON SEEKING ENFORCEMENT IS DEEMED TO BE UNREASONABLE UNDER THE CIRCUMSTANCES. A DEFENDANT UTILIZING SUCH A DEFENSE SHALL BE DEEMED TO HAVE ADMITTED BEING PHYSICALLY PRESENT AT THE TIME AND PLACE CHARGED.

[F. NOTHING CONTAINED IN THIS SECTION SHALL BE DEEMED AS A PROHIBITION OR RESTRICTION TO A NEWS REPORTER OR OTHER PERSON OBSERVING OR RECORDING THE EVENTS ON BEHALF OF A NEWS ORGANIZATION TO REPORT EFFORTS OF PEACE OFFICERS TO DISPERSE OR REMOVE INDIVIDUALS AS A PART OF A PUBLIC SAFETY ORDER, WHICH IS AN ORDER ISSUED BY A PEACE OFFICER DESIGNED AND REASONABLY NECESSARY TO PREVENT OR CONTROL SERIOUS DISORDER AND PROMOTE THE SAFETY OF PERSONS AND PROPERTY.

[G. NOTHING CONTAINED IN THIS SECTION SHALL BE DEEMED AS A PROHIBITION OR RESTRICTION OF THE EXERCISE OF A PERSON'S CONSTITUTIONAL RIGHT TO LEGALLY PICKET OR PROTEST, UNLESS SUCH ACT CONSTITUTES AN OBSTRUCTION OF PEDESTRIAN OR MOTOR VEHICLE TRAFFIC. HOWEVER, LEGAL ACTS AUTHORIZED BY PERMIT ISSUED BY OR THROUGH THE MUNICIPALITY FOR AN EXERCISE OF ONE'S CONSTITUTIONAL RIGHT TO LEGALLY PICKET OR PROTEST SHALL NOT CONSTITUTE OBSTRUCTION OF PEDESTRIAN OR MOTOR VEHICLE TRAFFIC UNDER THIS SECTION.

[H. THE PENALTIES PROVIDED FOR VIOLATION OF THIS SECTION ARE IN ADDITION TO AND NOT IN LIEU OF ANY OTHER PENALTY PROVIDED FOR BY STATE LAW OR MUNICIPAL ORDINANCE OR ANY CIVIL REMEDY AVAILABLE TO THE MUNICIPALITY OR A PRIVATE PARTY.

[I. THE INVALIDITY OF ANY SUBSECTION, PROVISION, CLAUSE OR PORTION OF THIS SECTION, OR THE INVALIDITY OF THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE, SHALL NOT AFFECT THE VALIDITY OF THE REMAINDER OF THIS SECTION OR THE VALIDITY OF ITS APPLICATION TO OTHER PERSONS OR CIRCUMSTANCES.]

(CAC 8.30.021; AO No. 91-158)

**8.45.020 [8.05.620] Unauthorized entry.**

A. It is unlawful for any person to knowingly enter, use or occupy any occupied or unoccupied dwelling, or structure [HOUSE, TENT, HOTEL, OFFICE, STORE, SHOP, WAREHOUSE, BARN, FACTORY OR OTHER BUILDING, BOAT, SHIP, RAILROAD CAR OR STRUCTURE, OR APARTMENT, COTTAGE, CLUBHOUSE, BATHHOUSE, HUNTING OR FISHING LODGE, GARAGE OR ANY OTHER STRUCTURE] or use any personal property therein, except with the consent of the owner of the facility or his agent. However,

a person may enter, use, or occupy an unoccupied structure specified in this section without the consent of the owner if:

1. The entry, use or occupancy of the facility is for an emergency in the case of immediate and dire need; and
2. The person contacts the owner or agent within 15 days after using the facility or, if the owner is unknown, the municipal police department, and makes a report of the time of entry, use or occupancy of the facility and any damage to the facility or personal property, unless a notice waiving the necessity for such report is posted in the facility by the owner or his agent.

B. In this section, the term "occupied" means that the premises is being used by one or more persons entitled to its enjoyment and use, and this includes actual as well as constructive occupancy.

C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

#### Chapter 8.50[8.05]

#### CRIMES HARMFUL TO MINORS

#### [CRIMES AGAINST PERSONS AND CRIMES AGAINST PROPERTY]

#### 8.50.010 [8.05.410] Performances and exhibitions harmful to minors.

- A. It is unlawful for any person or organization, as that term is defined in AS 11.81.900(37), to knowingly exhibit, perform or present to a minor in a commercial setting a performance, exhibition or other presentation which, in whole or in part, depicts nudity, sexual conduct or sexual excitement and which is harmful to minors.
- B. It is unlawful for a minor to knowingly exhibit, perform, or present in a commercial setting a performance, exhibition, or other presentation which, in whole or in part, depicts nudity, sexual conduct or sexual excitement and which is harmful to minors.
- C. It is unlawful for any person or organization, as that term is defined in AS 11.81.900 (37), to knowingly admit or sell to a minor an admission ticket or pass to a performance, exhibition, or other presentation prohibited in subsection A of this section.
- D. The provisions of this section shall not apply to a performance or exhibition harmful to minors where such performances or exhibitions are exhibited or performed under circumstances where minors are not present, are not allowed to be present, or are not able to view such performances or exhibitions. A person may comply with the requirements of this clause by physically segregating such performances and exhibitions in a manner so as to physically prohibit the access to and view of the performances and exhibitions by minors, by prominently posting at the entrances to such restricted area the words "Adults Only--You

must be 18 to enter," and by enforcing such restrictions.

E. As used in this section, the following terms shall have the meaning given in this subsection:

1. *Minor* means any person under the age of 18 years, regardless of parental permission or emancipated status.
2. *Nudity* means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state.
3. *Sexual conduct* includes any of the following depicted sexual conduct:
  - a. Any act of sexual intercourse, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.
  - b. Sadoomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound or otherwise physically restricted on the part of one so clothed.
  - c. Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of human genital organ.
  - d. Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.
  - e. An act of sexual assault where physical violence or drugs are employed to overcome the will of or achieve the consent of a person to an act of sexual conduct and the effects or results of the violence or drugs are shown.
4. *Sexual excitement* means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
5. *Harmful to minors* means that quality of any description, representation, performance or exhibition, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:
  - a. Predominantly appeals to the prurient, shameful, or morbid interest of minors in sex;



- b. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and
  - c. Taken as a whole, lacks serious literary, artistic, political, or scientific value.
6. *Knowingly* means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry or both regarding:
- a. The character and content of any material which is reasonably susceptible of examination by the defendant; and
  - b. The age of a minor; provided, however, that an honest mistake shall constitute an excuse from liability under this subsection if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

F. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 91-53; AO No. 93-133(S), § 1, 11-4-93)

**8.50.020 [8.05.420] Dissemination [DISSEMINATING] of indecent material to minors.**

- A. *Definitions.* In construing and applying this section, the following definitions shall apply:
- 1. *Minor* means a person less than 18 years old, regardless of parental permission or emancipated status.
  - 2. *Sexual conduct* means any sexual act, normal or perverted, or any act of masturbation, excretory functions, or lewd exhibition of the genitals.
  - 3. *Sexual excitement* means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.
  - 4. *Sado-masochistic abuse* means flagellation or torture by or upon a person, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.
  - 5. *Harmful to minors* means that quality of any description or representation, in whatever form, of sexual conduct, sexual excitement, or sado-masochistic abuse if, when taken as a whole, it:
    - a. According to contemporary community standards appeals to the prurient interest in sex;
    - b. Portrays sexual conduct, sexual excitement or sado-masochistic abuse; and

c. Does not have serious literary, artistic, political or scientific value.

6. *Indecent material* means a picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts sexual excitement, sexual conduct, or sado-masochistic abuse which is harmful to minors; a book, pamphlet, magazine, printed matter, however produced, or sound recording which contains any matter enumerated in this definition or explicit and detailed verbal description or narrative accounts of sexual excitement, sexual conduct, or sado-masochistic abuse, and which is harmful to minors; or an enactment of sexual conduct or sado-masochistic abuse, or exhibition of sexual excitement, by one or more persons.

B. *Prohibited acts.* It is unlawful for any person to knowingly:

1. Disseminate, distribute, offer to distribute, or exhibit indecent material to a minor;
2. Sell or give to a minor an admission ticket or pass to premises whereon indecent material is exhibited or to be exhibited; or
3. Admit a minor to premises whereon indecent material is exhibited or to be exhibited.

C. *Affirmative defenses.* In a prosecution for disseminating indecent material to minors, it is an affirmative defense that:

1. The defendant had reasonable cause to believe that the person involved was 18 years old or more, and such person exhibited to the defendant a driver's license, birth certificate, or other official or apparently official document purporting to establish that such person was 18 years old or more; or
2. The defendant is the parent or legal guardian of the minor.

D. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(CAC 8.48.010--8.48.030; AO No. 93-133(S), § 2, 11-4-93)

[8.20.025 MINORS PROHIBITED ON PREMISES WHERE DRUG PARAPHERNALIA IS SOLD.]

IT IS UNLAWFUL FOR A PERSON UNDER THE AGE OF 18 YEARS TO PURCHASE ITEMS FROM OR BE ON THE PREMISES OF A STORE IN WHICH THE SALE OF DRUG PARAPHERNALIA IS A PRINCIPAL BUSINESS. LEGIBLE SIGNS SHALL BE POSTED ON THE PREMISES OF SUCH STORES STATING THAT MINORS, OR ANYONE UNDER THE AGE OF 18, ARE NOT ALLOWED.

(AO No. 81-219; AO No. 89-52)

**8.50.040 [8.05.425] Sexual exploitation of minors.**

- A. It shall be unlawful for any person to knowingly employ, use, persuade, induce, entice or coerce any minor to engage in, or to have a minor assist any other person to engage in, any sexual excitement or sexual conduct for the purpose of producing any film, photograph, negative, slide, book, magazine, audiotape, or live performance that depicts that conduct.
- B. It shall be unlawful for any person to knowingly photograph, film, tape, or televise a minor engaged in nudity, sexual excitement, or sexual conduct, for the purpose of producing a film, photograph, negative, slide, book, audiotape, or magazine depicting that conduct for sale or distribution to other persons.
- C. It shall be unlawful for any person to knowingly engage in nudity, sexual excitement, or sexual conduct with a minor for the purpose of producing any film, photograph, negative, slide, book, magazine, audiotape, or live performance that depicts that conduct.
- D. It shall be unlawful for any person to knowingly produce, publish, distribute, sell or disseminate any film, photograph, negative, slide, book, audiotape or magazine or other printed, visual, or audio medium if such person knows or has reason to know that such works are or contain graphic representations, films, photographs, negatives, or slides that depict a minor engaged in nudity, sexual excitement or sexual conduct in a patently offensive way and if:
1. The average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest; and
  2. The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- E. For the purpose of this section, the following terms shall have the meaning given in this subsection:
1. *Minor* means any person under the age of 18 years, regardless of parental permission or emancipated status.
  2. *Sexual conduct* means actual or simulated:
    - a. Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
    - b. Bestiality;
    - c. Masturbation;
    - d. Sado-masochistic abuse (for the purpose of sexual stimulation); and

e. Lewd exhibition of the genitals or pubic area of any person.

3. *Sexual excitement* means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

4. *Nudity* means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state.

F. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 77-332A; AO No. 89-52; AO No. 90-5; AO No. 91-53; AO No. 93-133(S), § 3, 11-4-93)

State law reference(s)--Unlawful exploitation of minors, AS 11.41.455.

## **Chapter 8.60 [8.16] GAMBLING**

### **8.60.010 [8.16.010] Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Advance gambling activity.* A person advances gambling activity if, acting other than as a player, he engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but is not limited to conduct directed toward the creation or establishment of a particular game, contest, scheme, device or activity; the acquisition or maintenance of premises, paraphernalia, equipment or apparatus; the solicitation or inducement of persons to participate; the actual conduct of the playing phases; the arrangement or maintenance of the financial or recording phases; or any other phase of the operation of the activity.

*Contest of chance* means a contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor.

*Gambling* means the staking or risking of something of value upon the outcome of a contest of chance or a sporting event, upon an agreement or understanding that someone will receive something of value in the event of a certain outcome. However, the term "gambling" does not include raffles, bingo and related activities of a bona fide nonprofit nature conducted under a valid and existing permit issued pursuant to law by the department of revenue of the state. The burden of proving that the act complained of falls within the latter exception shall be upon the person charged.

*Gambling device* means a device, machine, paraphernalia or equipment that is used or usable in the playing phases of a gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine.

*Gaming scheme* includes a lottery in which:

1. The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones;
2. The winning chances are to be determined by a drawing or by some other method wholly or partially based on an element of chance; and
3. The holders of the winning chances are to receive something of value.

*Social game* means gambling in a home where no house player, house bank or house odds exist and where there is no house income from the operation of the game.

*Something of value* means money or property; a token, object or article exchangeable for money or property; or a form of credit or promise directly or indirectly contemplating transfer of money or property or of an interest therein, or involving extension of a service or entertainment or a privilege of playing at a game or scheme without charge.

(CAC 8.26.010; AO No. 93-173(S), § 1, 2-24-94)

Cross reference(s)--Definitions and rules of construction generally, § 1.05.020.

State law reference(s)--Gambling, AS 11.66.200; definitions regarding gambling, AS 11.66.280.

**8.60.020 [8.16.015] Affirmative defenses.**

It shall be an affirmative defense to prosecution under section [8.16.020] 8.60.030, pertaining to engaging in gambling, section [8.16.030] 8.60.040, pertaining to advancing gambling activity, section [8.16.040] 8.60.050, pertaining to permitting gambling on own premises, and section [8.16.050] 8.75.075, pertaining to remaining in a gambling place, that the gambling activity giving rise to the charge was a social game. It shall be a separate affirmative defense that the activity was limited to card games and did not involve sale of alcoholic beverages, and was not open to the public, and the premises was not used for aiding or abetting any illegal activities.

(AO No. 93-173(S), § 2, 2-24-94)

State law reference(s)--Affirmative defenses in prosecution for possession of gambling records, AS 11.66.250.

**8.60.030 [8.16.020] Engaging in gambling.**

- A. It is unlawful for any person to knowingly engage in gambling.
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(CAC 8.16.020)

**8.60.040 [8.16.030] Advancing gambling activity.**

- A. It is unlawful for any person to knowingly advance gambling activity.
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(CAC 8.16.030)

**8.60.050 [8.16.040] Permitting gambling on own premises.**

- A. It is unlawful for any person to knowingly permit gambling on premises owned, rented or occupied by him.
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(CAC 8.16.040)

**[8.16.050 REMAINING IN A GAMBLING PLACE.**

[IT IS UNLAWFUL FOR ANY PERSON TO ENTER, ATTEND, REMAIN IN OR RESIDE IN A PLACE, BUILDING, STRUCTURE, VEHICLE OR MOBILE HOME WITH THE INTENT, AIM OR PURPOSE OF ENGAGING IN, PROMOTING, FACILITATING OR ENCOURAGING THE PRACTICE OF GAMBLING AND WITH KNOWLEDGE THAT SUCH PLACE, BUILDING, STRUCTURE, VEHICLE OR MOBILE HOME IS BEING USED FOR THE PURPOSE OF GAMBLING.]

**8.60.060 [8.16.055] Possession of gambling device.**

- A. A person commits the offense of possession of a gambling device if, with knowledge of the character of the device, the person manufactures, sells, transports, places or possesses, or conducts or negotiates a transaction affecting or designed to affect ownership, custody or use of, a gambling device knowing that the device is used or is to be used in unlawful gambling.

B. It is an affirmative defense in a prosecution under this section that the gambling device possessed by the defendant was used or intended to be used only in a social game.

C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 89-52)

State law reference(s)--Similar provisions, AS 11.66.260.

**8.60.070 [8.16.060] Seizure and destruction of gambling devices.**

A. Gambling devices which have been seized in a place where a violation of this chapter occurred may be destroyed by the police department:

1. If such devices could be used for no other purpose than as gambling devices; or
2. Upon judgment of a court of competent jurisdiction in a proceeding in rem that an item seized was used in or in aid of a violation of this chapter.

B. Items seized in a place where a violation of this chapter occurred may be forfeit under this section even though seized before the action described in subsection A.2 of this section was instituted.

C. It is no defense to an in rem action under subsection A.2 of this section that the person who had the items seized in his possession at the time and place of seizure has not been convicted in a criminal proceeding arising from the use of the devices seized.

D. An item forfeited under this section shall be disposed of at the discretion of the chief of police, except as otherwise provided in this Code. Money used in a gambling activity shall be transmitted to the general fund. If the chief of police directs that other items forfeit under this section be sold, proceeds of such sale shall be transmitted to the general fund.

(CAC 8.16.060)

**Chapter 8.65 [8.14]  
PROSTITUTION**

**8.65.010 [8.14.010] Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Assignment* means the making of an appointment or engagement for prostitution or an act in furtherance of such appointment or engagement.

*Prostitution* means the giving or receiving of the body for sexual conduct for hire.

*Sexual conduct* means sexual intercourse, anal intercourse, masturbation or oral-genital contact.

(CAC 8.14.010)

Cross reference(s)--Definitions and rules of construction generally, § 1.05.020.

**8.65.020 [8.14.020] Practicing.**

A. It is unlawful for any person to knowingly engage in prostitution or assignation.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(CAC 8.14.020)

**8.65.030 [8.14.030] Soliciting.**

A. It is unlawful for any person to knowingly solicit, induce, entice, invite, or procure another for the purpose of prostitution or assignation.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(CAC 8.14.303)

**8.65.040 [8.14.040] Offering to secure another.**

A. It is unlawful for any person to knowingly offer, or offer to secure, another for the purpose of prostitution.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(CAC 8.14.040)

**8.65.050 [8.14.050] Transporting for unlawful purposes.**

A. It is unlawful for any person to direct, take or transport, offer or agree to take or transport, or assist in transporting another to a house, place, building, other structure, vehicle or mobile home, or to another person, with knowledge that the purpose of such directing, taking or transporting is prostitution or assignation.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than



\$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(CAC 8.14.050)

**8.65.060 [8.14.060] Maintaining place of prostitution.**

A. It is unlawful for any person to knowingly maintain or operate a place, building, structure or part thereof, vehicle, mobile home, or other conveyance for the purpose of prostitution or assignation.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(CAC 8.14.060)

**8.65.070 [8.14.070] Owning or leasing place for purpose of prostitution.**

A. It is unlawful for any person to knowingly allow or permit a place, building, structure or part thereof, vehicle, mobile home, or other conveyance owned by him to be used for the purpose of prostitution or assignation, or to let, lease, rent or contract to let, lease or rent such property to another with knowledge that the lessee or tenant is to use such property for the purpose of prostitution or assignation.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(CAC 8.14.070)

**8.65.080 [8.14.080] Accepting money from prostitute.**

A. It is unlawful for any person to knowingly accept, receive, levy or appropriate money or other thing of value without consideration from the proceeds or earnings of a person engaged in prostitution.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(CAC 8.14.080)

**8.65.090 [8.14.090] Remaining in place of prostitution.**

A. It is unlawful for any person to enter, attend, remain in or reside in a place, building, structure, vehicle, or mobile home with the intent, aim or purpose of engaging in, promoting, facilitating, or encouraging the practice of prostitution or assignation and with knowledge that such place, building, structure, vehicle, or mobile home is being used for the purpose of prostitution or assignation.

- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 77-353; AO No. 89-52)

**8.65.100 [8.14.100] Coercing another to become a prostitute.**

- A. It is unlawful for any person to knowingly induce, persuade or encourage by promise, threat, violence, or scheme or device another person to become or remain a prostitute or an inmate of a place maintained or operated for the purpose of prostitution.

- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(CAC 8.14.100)

**8.65.110 [8.14.110] Loitering for purpose of soliciting for prostitution.**

- A. It is unlawful for any person to knowingly remain in a public place and repeatedly beckon to passersby, or repeatedly stop or repeatedly attempt to stop passersby, or repeatedly attempt to engage passersby in conversation, or repeatedly stop or attempt to stop motor vehicles, or repeatedly interfere with the free passage of other persons, for the purpose of soliciting for prostitution or for assignation.

- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(CAC 8.14.110; AO No. 78-247)

**Chapter 8.70**

**MISUSE AND ABUSE OF LIBRARY MATERIAL\***

**8.70.010 Prohibited acts.**

- A. No person may knowingly take or retain any property which is owned by or in the custody of the Anchorage library system in violation of a rule promulgated by the municipal librarian pursuant to section 8.70.030.
- B. No person may intentionally cut, tear, deface, break, injure, disfigure, damage, or destroy property which is owned by or in the custody of the Anchorage library system.

(AO No. 83-121)

**8.70.020 Penalties.**

**A.** A person who violates a provision of this chapter or any rule or regulation promulgated pursuant to section 8.70.030 shall be guilty of a criminal violation and subject to a fine of not more than \$300.00 for each such violation. Each day that a violation of section 8.70.010A. continues constitutes a separate violation. **[VIOLATION OF THIS CHAPTER MAY BE PUNISHABLE THROUGH IMPOSITION OF A CIVIL PENALTY AS SET FORTH IN SECTION 14.60.030, OR, IF SUCH VIOLATION IS NOT LISTED IN THE FINE SCHEDULE SET FORTH IN SECTION 14.60.030, A CIVIL PENALTY AS SET FORTH IN SECTION 1.45.010.]**

**B.** **As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60.**

(AO No. 83-121; AO No. 93-167(S-1), § 7, 4-13-94)

**8.70.030 Library rules.**

The municipal librarian may promulgate reasonable rules pertaining to the use of property and facilities of the Anchorage library system. No review by the assembly is required. Such rules shall be set forth in writing and made available for public review.

(AO No. 83-121)

**8.70.040 "Anchorage library system" defined.**

As used in this chapter, the term "Anchorage library system" means each facility subject to the administrative authority of the municipal librarian.

(AO No. 83-121)

**Chapter 8.75[8.05]**  
**INFRACTION VIOLATIONS**

**8.75.010 [8.05.010] Sale or furnishing of alcoholic liquor to certain persons prohibited.**

- A.** It is unlawful for any person to knowingly sell, furnish, give or deliver any alcoholic liquor to anyone who is visibly intoxicated or who is under the age of 21 years.
- B.** The term "person" as used in this section does not include a parent as to his own child, a guardian as to his ward, or a licensed physician or nurse in giving medical treatment.
- C.** The burden shall at all times be upon a [THE] licensee and his employees to determine the age and sobriety of any patron. For the purposes of this section, the term "licensee" means

any person licensed under the law of the state to dispense or sell alcoholic beverages.

- D. Violation of this section [SHALL BE PUNISHABLE BY A CIVIL PENALTY AS SET FORTH IN SECTION 14.60.030, OR, IF SUCH VIOLATION IS NOT LISTED IN THE FINE SCHEDULE SET FORTH IN SECTION 14.60.030, A CIVIL PENALTY AS SET FORTH IN SECTION 1.45.010, AND ADDITIONALLY] shall, upon conviction, be punished by a fine of not more than \$300.00.

- E. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60.

(GAAB 18.05.110; AO No. 86-110)

State law reference(s)--Authority to regulate, AS 4.21.010; furnishing alcoholic beverage to underage or intoxicated persons, AS 4.16.030, 4.16.051.

**8.75.020 [8.05.080] Consuming alcoholic beverage in public place.**

- A. It is unlawful for any person to knowingly consume any alcoholic beverage on the traveled portion of any public street, sidewalk, or alley upon the grounds of any municipal building, except as permitted by ordinance or regulation, or in any store or establishment doing business with the public and not authorized to sell alcoholic beverages for consumption on the premises, nor shall any person who owns, operates, or controls any such unauthorized store or establishment permit the consumption of alcoholic beverages therein.
- B. The mayor is authorized to designate public areas and places, in addition to those specified in subsection A of this section, in which the consumption of alcoholic beverages is prohibited, and to cause signs to be posted in such areas or places advising members of the public of the prohibition.
- C. Violation of this section shall be punished by a fine of not more than \$75.00.
- D. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60.

(GAAB 18.05.010.GG)

**8.75.030 [8.05.150] Intoxicated persons on roadway.**

- A. It is unlawful for any person to be upon any public street, road, or highway while intoxicated in such a manner as to be hazardous to motor vehicle traffic.

B. Violation of this section shall be punished by a fine of not more than \$300.00.

C. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60.

(GAAB 18.05.010.B)

State law reference(s)--Similar provisions, AS 47.37.250(3).

**8.75.040 [8.05.270] Fireworks.**

A. It is unlawful for any person to knowingly sell, possess, or use any explosive fireworks or stench bomb to which fuses are attached or which are capable of ignition by matches or percussion, without permission of that municipal official charged with issuing permits for such activities. This section does not apply to sale, possession, or use of highway or other warning flares, or of ammunition for firearms, unless used for other than their intended purposes.

B. It is unlawful for any person to advertise for sale any explosive fireworks or stench bomb to which fuses are attached or which are capable of ignition by matches or percussion without a specific declaration in the advertising stating: "it is unlawful for any person to sell, possess or use fireworks within the Municipality of Anchorage. AMC 8.05.270 A."

C. Violation of this section shall be punished by a fine of not more than [ \$75.00 ] \$150.00.

D. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60.

(GAAB 18.05.010.Y; AO No. 97-90, § 1, 7-1-97)

State law reference(s)--Similar provisions, AS 18.72.060.

**8.75.050 [8.05.370] Littering; defacing building or other structure.**

A. It is unlawful for any person to knowingly:

1. Litter in or on any property not his own on which he is not an invitee or licensee, or on any public building, park, recreation area, parking lot, street, or highway; or
2. [DEFACE WITHOUT PERMISSION OF THE OWNER ANY BUILDING OR STRUCTURE NOT HIS OWN, OR ANY PUBLIC BUILDING, PARK,

RECREATION AREA, PARKING LOT, STREET OR HIGHWAY, OR ANY OTHER PUBLICLY OWNED EDIFICE OR STRUCTURE, WHETHER MANMADE OR NATURALLY OCCURRING.] May or deface private or public property, including parks and recreation areas, without permission.

B. In addition to all other fines and penalties provided for in subsection G of this section [8.50.010 AND THIS SECTION], persons violating this section shall remove or cause the removal of the litter and restore the property defaced at their sole expense and at the direction and under the supervision of the property owner.

[1. PERFORM COMMUNITY SERVICE OF NOT LESS THAN 20 HOURS NOR MORE THAN 100 HOURS; AND

2. REMOVE OR CAUSE THE REMOVAL OF THE LITTER AND RESTORE THE PROPERTY DEFACED AT THEIR SOLE EXPENSE AND AT THE DIRECTION AND UNDER THE SUPERVISION OF THE PROPERTY OWNER.]

C. If the person violating this section fails to remove the litter or restore the property as the case may be, the owner thereof may cause the same to be accomplished and charge the person responsible for doing so for the reasonable expense incurred and recover such expenses by civil action.

D. Any act in violation of this section committed by a minor under the age of 18 years who is not a runaway, as that term is defined by AS 47.10.390, when the violation occurred, shall be imputed to that minor's parent or legal guardian who shall be liable for payment of the fine and expense of restoration.

E. Subject to AS 47.10, persons under the age of 18 years, shall be subject to the provisions of this section, provided however, that in the event any such provision conflicts with or cannot be effected under the provisions of AS 47.10, the latter shall prevail and the person, court or agency having jurisdiction over such minor shall, whenever consistent with AS 47.10, apply the penalties, fines, repair and restoration provisions hereof as a part of its final disposition or as a condition of pre-trial/hearing diversion. Subject to the discretion of the court, agency or official having jurisdiction, the parent or legal guardian of a person under the age of 18 years violating this section shall accompany the minor to some or all of the minor's community service and repair, removal or restoration work.

F. Nothing contained in this section shall in any way limit, abridge or deny the authority or discretion of any court under AS title 12 or any agency or official under AS title 47 and such court, agency or official may vary the sentence or other disposition imposed pursuant to such authority or jurisdiction for a violation of this section.

G. Violation of this section shall be punished by a fine of not more than \$75.00.

H. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject

to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60.

(GAAB 18.05.010.Z; CAC 8.30.030; AO No. 94-221(S), § 1, 3-23-95)

State law reference(s)--Litter, AS 11.46.486, 46.06.080.

**8.75.060 [8.05.440] Minors[-]: Curfew.**

A. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Curfew hours* means:

1. September through May:
  - a. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 5:00 a.m. of the following day; and
  - b. 1:00 a.m. on any Saturday and Sunday until 5:00 a.m. of the same day.
2. June through August: 1:00 a.m. on any day until 5:00 a.m. of the same day.

*Emergency* means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

*Establishment* means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

*Guardian* means:

1. A person who, under court order, is the guardian of the minor; or
2. A public or private agency with whom a minor has been placed by a court.

*Knowingly* means, with respect to conduct or to a circumstance described by a provision of law defining an offense, that a person is aware that his or her conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person

is aware of a substantial probability of its existence, unless the person actually believes it does not exist.

*Minor* means any person under the age of 18 years.

*Operator* means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

*Parent* means a person who is:

1. A natural parent, adoptive parent, or step-parent of another person; or
2. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

*Public place* means any place to which the public or a substantial group of the public has access, and includes but is not limited to streets, highways, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

*Remain* means to:

1. Linger or stay; or
2. Fail to leave the premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

*Serious bodily injury* means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

B. *Offenses.*

1. A minor commits an offense if he or she remains in any public place or on the premises of any establishment within the municipality during curfew hours.
2. A parent or guardian of a minor commits an offense if he or she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the municipality during curfew hours in violation of this section.
  - a. Indifference as to the activities or whereabouts of the minor shall be prima facie evidence of insufficient control.



3. The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

C. *Exceptions.*

1. It is an exception to prosecution under subsections B.1. and B.2. of this section if the minor was:
  - a. Accompanied by his or her parent or guardian;
  - b. On an errand at the written direction of his or her parent or guardian, without any detour or stop (written direction must be signed, timed, and dated by the parent or guardian and must indicate the specific errand);
  - c. Involved in an emergency;
  - d. Engaged in an employment activity, or going to or returning from an employment activity, without detour or stop;
  - e. On the public right-of-way immediately abutting the minor's residence or immediately abutting the residence of a next-door neighbor, if the neighbor did not complain to the police department about the minor's presence;
  - f. Attending, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the municipality, Anchorage school district, a civic organization, or another similar entity that takes responsibility for the minor;
  - g. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
  - h. Married or had disabilities of minority removed in accordance with AS 9.55.540.
2. It is an exception to prosecution under subsection B.3 of this section that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

D. Violation of this section shall be punished by a fine of not more than \$300.00.

E. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by

**a civil penalty in accordance with chapter 14.60.**

(GAAB 18.05.070; AO No. 89-52; AO No. 95-195(S-1), § 1, 1-1-96)

**8.75.065 [8.05.445] Habitual truancy.**

**A. Definitions.** In this section:

1. "Habitual truant" means a youth who is subject to compulsory full-time education under Alaska Statute 14.30.010 and who has accumulated unexcused absences during a school semester to the extent that the youth has been determined by the Anchorage School District to be a habitual truant for that semester pursuant to its attendance policy.
2. "Knowingly" means, with respect to conduct or to a circumstance described by a provision of law defining an offense, that a person is aware that his or her conduct is of that nature or that the circumstance exist; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist.
3. "Youth" means a child between seven and 16 years of age, which are the ages that school attendance is compulsory according to Alaska Statute 14.30.010.

**B. Offenses.**

1. A youth who is subject to compulsory full-time education under Alaska Statute 14.30.010 and does not fit within an exception set out in Alaska Statute 14.30.010(b) commits an offense if he or she knowingly fails or refuses to attend school, resulting in the accumulation of unexcused absences during a school semester to the extent that the youth has been determined by the Anchorage School District to be a habitual truant for that semester pursuant to its attendance policy, and has been given notice of such determination.
2. A parent, guardian, or other person having the responsibility for or control of a youth who is subject to compulsory full-time education under Alaska Statute 14.30.010 and does not fit within an exception set out in Alaska Statute 14.30.010(b) commits an offense if he or she knowingly fails or refuses to ensure that the youth attends school, resulting in the accumulation of unexcused absences during a school semester to the extent that the youth has been determined by the Anchorage School District to be a habitual truant for that semester pursuant to its attendance policy, and has been given notice of such determination.
3. Notice of the determination that a youth is a habitual truant shall be given either by personal delivery to the person to be notified or by certified mail, with

return receipt requested and restricted delivery, addressed to the person at his or her address as shown in the records of the Anchorage School District. The giving of notice by mail is considered complete upon the return of the receipt or upon return of the notice as undeliverable, refused, or unclaimed. Proof of the giving of notice in either manner may be made by the affidavit of the person giving the notice by personal delivery or by mail, naming the person to whom the notice was given and specifying the time, place, and manner of giving the notice.

C. *Option of satisfaction of fine by maintenance of perfect attendance or community restitution.* Notwithstanding any other provision of law, a youth or other person upon whom a fine for violation of AMC Section 8.05.455 has been imposed may elect to satisfy such fine by presenting evidence satisfactory to the administrative hearings officer that the youth has had no additional unexcused absences as determined by the Anchorage School District after the date of the citation for the remainder of the semester during which the youth was determined to be an habitual truant. Notwithstanding any other provision of law, a youth or other person upon whom a fine has been imposed for violation of AMC Section 8.05.455 may elect to satisfy such fine by presenting evidence satisfactory to the administrative hearings officer that the person upon whom the fine has been imposed has performed a specified amount of community restitution during a period of performance specified by the administrative hearings officer.

D. *Ordinance review.* Within one year after implementation, and annually thereafter, the mayor, in conjunction with the Anchorage School District Superintendent and Anchorage Police Chief, shall review the Ordinance and make a report to the assembly, Anchorage School Board, Parent-Teachers Association, Anchorage Youth Commission, and Anchorage Public Safety Commission concerning the effectiveness of and continuing need for the ordinance. The report shall include, but not be limited to, the following information:

1. The practicality of enforcing the ordinance and any problems with enforcement.
2. The impact of the ordinance on truancy and school attendance;
3. The number of habitual truancy referrals made by the Anchorage School District to the Anchorage Police Department;
4. The number of citations issued;
5. The municipality's net cost of enforcing the ordinance; and
6. The need to expand the ages covered by the ordinance.

(AO No. 96-96(S-3), § 1, 2-1-97)

**8.75.070 [8.05.450] Sale of tobacco products**

- A. It is unlawful for any person 19 years of age or older to negligently sell, exchange or give cigarettes, cigars or tobacco in any form to any person under 19 years of age.
- B. Violation of this section shall be punished by a fine of not more than \$300.00.
- C. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60.

(GAAB 18.05.010.X; AO No. 95-178, § 1, 9-26-95)

State law reference(s)--Similar provisions, AS 11.76.100.

**8.75.080 [8.05.451] Possession of tobacco products**

- A. A person under 19 years of age may not knowingly possess a cigarette, a cigar, tobacco, or any product containing tobacco.
- B. Violation of this section shall be punished by a fine of not more than \$300.00.
- C. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60.

(AO No. 95-178, § 2, 9-26-95)

**8.75.090 [8.05.453] Sale of single cigarettes and other unpackaged or unlabeled tobacco products.**

- A. It is unlawful for any person doing business within the municipality to knowingly sell, offer to sell, or distribute any cigarette or tobacco product except in a sealed package properly labeled with the health warning label and other labels or stamps required by federal law (15 USC 1331 et seq., 26 USC 5751(a)(3)) and regulations.
- B. Violation of this section shall be punished by a fine of not more than \$300.00.

(AO No. 95-181, § 1, 9-26-95)

**8.75.100 [8.05.454] Restrictions on the Manner of Selling tobacco and Tobacco Products.**

- A. Definitions.

1. "Retail adults-only tobacco store" means any retail establishment which:

- a. primarily sells tobacco and tobacco products while only incidentally offering other products;
- b. prohibits any person under the age of nineteen (19) from entering such retail establishment unless such person under nineteen (19) years of age is accompanied by a parent or legal guardian;
- c. has not been the site of two or more citations for a violation of this section in the previous 180 days unless all or all but one of such citations are overturned on appeal; and
- d. posts one or more signs described in the next sentence visible from any entrance to such retail establishment.
  - i. Each of the sign(s) referenced in subsection A.1.d. of this section shall be at least 6 inches by 18 inches; must state that it is a retail adults-only tobacco store; must read, in lettering at least 1.25 inches high, "The sale of tobacco products to persons under age 19 is illegal"; and must state that no person under nineteen (19) years of age may enter the retail establishment unless such person under nineteen (19) years of age is accompanied by such person's parent or legal guardian.

B. Except for a retail adults-only tobacco store, it is unlawful for a person negligently to sell cigarettes, cigars, tobacco, or a product containing tobacco in any manner that allows any person but the sales clerk to control access to the cigarettes, cigars, tobacco, or product containing tobacco prior to sale.

1. Subsection B. of this section does not apply to wholesale transactions in which the person selling the cigarettes, cigars, tobacco, or products containing tobacco is licensed as a manufacturer or distributor under AS 43.50.010.
2. Subsection B. of this section does not apply to sales by vending machines which are located:
  - a. As far as practical from any entrance on the inside of the licensed premises of a valid, existing beverage dispensary license, a club license, or a package store license issued under Alaska Statutes 04.11.090, 04.11.110, and 04.11.150 respectively; and
  - b. The location described in subsection B.2.a. of this section is directly and continually supervised by a person employed on the licensed premises when the vending machine is accessible to the public.

C. Any owner of a retail adults-only tobacco store or agent or employee of such owner that

allows any person but the sales clerk to have access to the cigarettes, cigars, tobacco, or product containing tobacco prior to sale shall not negligently allow any person under the age of nineteen (19) to enter or remain in the premises of the retail adults-only tobacco store unless such person under nineteen (19) years of age is accompanied by a parent or legal guardian.

D. Not later than seven days after the date of the citation, the chief of police or his or her designee shall notify the owner of record of any retail establishment of a citation under this section given to any owner or agent or employee of such owner for a violation alleged to have occurred at such retail establishment.

F. Violation of this section shall be punished by a fine of not more than \$300.00.

G. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60.

(AO No. 97-133(S), § 1, 11-11-97; AO 98-27(S-1), §1, 3-3-98)

**8.75.110 [8.05.455] Minors prohibited on dating and escorting services' premises.**

A. In a business establishment that arranges dates or escorts for clients it is unlawful for minors to knowingly be on the premises. Legible signs shall be posted on the premises stating that no minors are allowed.

B. Violation of this section shall be punished by a fine of not more than \$300.00.

C. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60.

(AO No. 87-119)

**8.75.120 [8.05.490] Public excretion.**

A. It is unlawful for any person to knowingly urinate or defecate in or on any public street, road, highway, alley, sidewalk, park or other public place open to public view which is not a lavatory facility.

B. Violation of this section shall be punished by a fine of not more than \$75.00.

C. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by

a civil penalty in accordance with chapter 14.60.

**8.75.130 [8.05.580] Switchblade and gravity knives.**

- A. It is unlawful for a person to knowingly sell, offer for sale, display or carry about his person, a knife which has a blade which can be opened by a spring mechanism, by exertion of pressure on the handle, or by gravity. This section does not apply to any officer of the United States, the state or the municipality whose carrying or displaying of such a knife is necessary in the course of his official duties.
- B. Violation of this section shall be punished by a fine of not more than \$75.00.
- C. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60.

(CAC 8.50.010)

State law reference(s)--Switchblade or gravity knives, AS 11.61.200(a)(3).

**8.75.140 [8.05.610] Unauthorized duplication of keys.**

- A. It is unlawful for any person to knowingly make a duplicate of a key bearing the inscription "do not duplicate" or "it is unlawful to duplicate this key," unless authorized to do so by the owner of the lock which the key fits.
- B. Violation of this section shall be punished by a fine of not more than \$75.00.
- C. As an alternative to the remedies, procedures and penalties provided in this Title and section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60.

(CAC 8.32.010)

**8.75.150 [8.16.050] Remaining in gambling place.**

- A. It is unlawful for any person to enter, attend, remain in or reside in a place, building, structure, vehicle or mobile home with the intent, aim or purpose of engaging in, promoting, facilitating or encouraging the practice of gambling and with knowledge that such place, building, structure, vehicle or mobile home is being used for the purpose of gambling.
- B. Violation of this section shall be punished by a fine of not more than \$300.00.
- C. As an alternative to the remedies, procedures and penalties provided in this Title and

section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with chapter 14.60.

(CAC 8.16.050; AO No. 89-52)

**8.75.160 [8.05.550] Shoplifting Under \$5.00**

- A. Removal of merchandise. It is unlawful for any person to take or remove any merchandise or thing [OF VALUE] valued at less than \$5.00 from the premises where such merchandise or thing of value is kept for purposes of sale, barter or storage without the consent of the owner or person lawfully entitled to its possession.
- B. *Concealment of merchandise.* It is unlawful for any person, without authority, willfully to conceal upon or about his person any merchandise or thing [OF VALUE] valued at less than \$5.00 upon the premises where such merchandise or thing of value is kept for the purposes of sale, barter or storage. Any merchandise or thing of value found concealed upon or about the person and which has not theretofore been purchased by the person is prima facie evidence of willful concealment.
- C. *"Consent" defined.* As used in this section, the term "consent" shall mean express consent, or consent implied by possession of a sales ticket, slip or receipt issued for and accompanied by the article of merchandise or thing of value.
- C. Violation of this section shall be punished by a fine of not more than \$300.00

(GAAB 18.05.040; AO No. 89-52)

State law reference(s)--Civil liability for shoplifting, AS 9.68.110; concealment of merchandise, AS 11.46.220.

**Section 2.** Anchorage Municipal Code chapter 17.35 is hereby renumbered as chapter 8.55 and sections 17.35.010 through 17.30.040 are hereby reorganized, renumbered and amended to read as follows: [*The Revisor of Ordinances shall retain Title 17 section numbers and titles in place followed by an editor's note alerting readers of Title 17 of the location of those sections in Title 8.*]

**Chapter 8.55[17.35]**  
**CRUELTY TO ANIMALS**

**8.55.010 [17.35.010] Cruelty to animals.**

- A. [*PROHIBITED ACTS.*] No person may with criminal negligence:
  - 1. [*WITH CRIMINAL NEGLIGENCE K*] Kill or abandon an animal; or
  - 2. [*WITH CRIMINAL NEGLIGENCE I*] Injure, torment, poison, provoke or otherwise



abuse an animal; or

3. Maintain an animal in other than a humane manner; or
4. Maintain an animal showing symptoms of an infectious or contagious disease without keeping the animal confined and under proper care; or
5. Keep an animal on vacant property, including [OR] in an unoccupied structure, unless the property contains a contiguous permanently occupied residence, lived in by the animal's owner, or the owner's designated agent, who is responsible for the daily care, maintenance and restraint of the animal; or
6. Restrain an animal within, on or to a motor vehicle at any location under such conditions as may endanger the health, safety or humane treatment of the animal, including but not limited to insufficient restraint, dangerous temperature, or lack of water.
  - a. A peace officer is authorized to remove an animal from a motor vehicle at any location when the officer reasonably believes it is restrained in violation of this chapter. Any animal so removed shall be delivered to the animal control center after the removing officer leaves written notice of the removal and delivery, including the officer's name, in a conspicuous, secure location on or within the vehicle.
  - b. No peace officer shall be held criminally or civilly liable for action taken under this subsection, provided the officer acts in good faith and without malice.

B. [17.35.040A.] Subsection A. of this section [THIS CHAPTER] does not apply to:

1. Impounding, euthanizing or other disposition of an animal in a humane manner as authorized by law; or [.]
2. Killing or injuring an animal where necessary to protect a human being or domesticated animal from death or bodily injury; or [.]
3. The euthanization of an animal by its owner or the owner's authorized agent.

(AO No. 96-134(S-2), §§ 19, 55, 7-1-97)

**Editor's note**--AO No. 96-134(S-2), §§ 19, 54, renumbered § 17.10.060.B. as a new § 17.35.040. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

C[B]. [USE OF TRANQUILIZER GUNS.] No person may, with criminal negligence, use a tranquilizer gun to capture an animal unless it is the only reasonable means of preventing

death or bodily injury to a human being or domesticated animal.

(AO No. 96-134(S-2), §§ 19, 52, 7-1-97)

**Editor's note**--AO No. 96-134(S-2), §§ 19, 52, renumbered § 17.10.060.A., C., D., F. as a new § 17.35.010. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

**8.55.020**[17.35.010C.]**Animal Fighting** [*ANIMAL FIGHTING.*]

A. No person may, with criminal negligence:

1. Cause an animal to fight another animal or a human being, whether for amusement or for financial gain; unless the animal behavior is excepted by the provisions of section 17.40.020.B.; or
2. Train, or keep for the purpose of training, an animal for exhibition in combat with an animal or human being; or

B[3]. No person may, with criminal negligence, [P]permit his premises to be used for the purposes described in this subsection or to be present as a spectator at such an exhibition.

(AO No. 96-134(S-2), §§ 19, 52, 7-1-97)

**Editor's note**--AO No. 96-134(S-2), §§ 19, 52, renumbered § 17.10.060.A., C., D., F. as a new § 17.35.010. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

**8.55.030** [17.35.020]**Accidents Involving Injury to Animals** [*AUTOMOBILE AND ANIMAL ACCIDENTS.*]

A. It is unlawful for [T]the driver of a vehicle involved in an accident resulting in injury to an animal to fail, with criminal negligence, to[SHALL] stop the vehicle as close to the scene of the accident as possible and immediately:

1. Inform the owner of the animal of the injury if the animal's ownership is readily ascertainable; or
2. Inform the animal control office in accordance with subsection B. of this section of the injury if the animal's ownership is not readily ascertainable.

B. A driver shall inform the animal control office of the time and location of the accident, a description of the injured animal and the apparent nature of the injury.

(AO No. 96-134(S-2), §§ 19, 53, 7-1-97)

**Editor's note**--AO No. 96-134(S-2), §§ 19, 53, renumbered § 17.10.060.E. as a new § 17.35.020. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

**8.55.040** [17.35.010D.] **Trapping of Animals** [TRAPPING OF ANIMALS.]

A. No person may, with criminal negligence use any type of trap, such as steel jaw traps, snares or spring traps that might physically harm an animal, to capture animals for noncommercial reasons.

B[1]. Any live humane trap used for the purposes of capture of loose animals shall be monitored by the person using it at least twice every 24 hours. Any animal captured shall be cared for in a humane manner and returned without unreasonable delay only to the animal's owner or to an animal control officer.

(AO No. 96-134(S-2), §§ 19, 52, 7-1-97)

**Editor's note**--AO No. 96-134(S-2), §§ 19, 52, renumbered § 17.10.060.A., C., D., F. as a new § 17.35.010. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

**8.55.050** [17.35.030] **CRIMES AND Penalties.**

A. A person who with criminal negligence violates this chapter shall, upon conviction, be subject to a fine of not more than \$5,000.00, imprisonment for not more than one-year, or both.

B. In addition to any fine or imprisonment, the court may also require that the defendant complete community work service as provided for in AS 12.55.055.

C. A person who is convicted of violating this section and who owns that animal shall relinquish all of his rights of ownership of that animal, and/or any other animals owned by that individual, to the municipality. The rights of persons not convicted under this chapter to an animal forfeited under this chapter shall be determined under this title and its regulations.

(AO No. 96-134(S-2), §§ 19, 54, 7-1-97)

**Editor's note**--AO No. 96-134(S-2), §§ 19, 54, renumbered § 17.10.060.G. as a new § 17.35.030. Formerly, § 17.10.060 derived from GAAB 17.05.060; AO No. 78-65A; AO No. 83-97, 11-21-83; AO No. 86-39; AO No. 92-75(S).

**Section 3.** Anchorage Municipal Code Sections 17.40.070 and 17.60.050 are hereby renumbered as sections 8.55.060 and 8.55.070 respectively and amended to read as follows: [*The Revisor of Ordinances shall retain Title 17 section numbers and titles in place followed by an editor's note alerting readers of Title 17 of the location of those sections in Title 8.*]

**8.55.060**[17.40.070] **Classified Animals** [CRIMES AND PENALTIES].

A person who with criminal negligence violates any provision of [THIS] chapter 17.40 "Regulation of Animal Behavior", pertaining to animals classified as level three, four or five shall, upon conviction, be subject to a fine up to \$2,000.00 or imprisonment of not more than six months, or both.

(AO No. 96-134(S-2), § 56, 7-1-97)

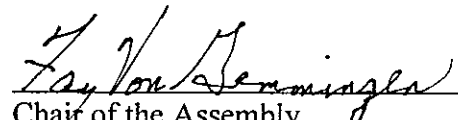
**8.55.070** [17.60.050] **Wolf Hybrids** [CRIMES AND PENALTIES]

Any person convicted of violating any provision of [THIS] chapter 17.60. "Wolf Hybrids" with criminal negligence is guilty of a misdemeanor and may be punished by imprisonment for up to six months in jail or a fine of **not more than** \$1,000.00 or both.

(AO No. 92-75(S); AO No. 96-134(S-2), § 60, 7-1-97)

**Section 4.** This ordinance shall become effective on the — — — day after passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 19th day of May, 1998.

  
Chair of the Assembly

ATTEST:

  
Municipal Clerk