

Date: 5-5-98
See 10.50.020

Submitted by:

Assembly Chair Begich

Prepared by:

Department of Law

For reading:

May 5, 1998

ANCHORAGE, ALASKA

AO NO. 98-73(S)

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 8 TO ADD A NEW CHAPTER 8.75, CIVIL PENALTIES FOR PERSONS UNDER 21 YEARS OF AGE ILLEGALLY ENTERING LICENSED PREMISES.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: That the Anchorage Municipal Code is hereby amended by adding a new chapter, to be numbered 8.75, which chapter reads as follows:

CHAPTER 8.75

CIVIL PENALTIES FOR PERSONS UNDER 21 YEARS OF AGE

ILLEGALLY ENTERING LICENSED PREMISES

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| 8.75.010 | Civil actions allowed to be filed by licensees against minors |
| 8.75.020 | Sign required for warning minors |
| 8.75.030 | Conditions precedent to actions filed by licensees |

8.75.010 Civil actions allowed to be filed by licensees against minors

If a person under the age of 21 years has not been allowed to enter and remain within licensed premises in violation of AS 04.16.052(2), such person who, with criminal negligence, enters premises licensed under AS Title 4 in violation of AS 04.16.049 through a door marked by a sign described in this chapter is, in addition to any other penalty provided by law, liable in a civil action to the licensee for both a penalty of \$1,000 and an award of reasonable attorney's fees that may be made to the prevailing party in a civil action under Rule 82 of the Alaska Rules of Civil Procedure.

8.75.020 Sign required for warning minors

No action may be maintained under this chapter unless the person alleged to be liable under this chapter has entered the licensed premises through a door posted with a sign stating "Warning: It is a violation of AS 04.16.049 for persons under 21 to enter these premises without a parent, adult spouse, or court-appointed legal guardian. Violators will be sued and prosecuted." The lettering on the sign shall be at least 1 3/4 inches in height and the sign is to be posted so as to be clearly visible to a person approaching the door.

1 8.75.030 Condition precedent to actions filed by licensees

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3 It is a condition precedent to filing an action under this chapter that the licensee or an agent of the
4 licensee send a notice demanding the relief authorized by this chapter to the person to be sued by
5 first class mail at such person's last known address 15 days or more before the action is commenced.
6 It is not a condition precedent to filing an action under this chapter that the person under the age of
7 21 years alleged to have entered licensed premises was charged or convicted under any statute or
8 ordinance.
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10 Section 2: That this ordinance shall take effect 60 days after passage and approval by the
11 Assembly.
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15 PASSED AND APPROVED by the Anchorage Assembly this 3th day of May, 1998.
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20 Chair of the Assembly
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22 ATTEST:

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27 Municipal Clerk
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MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

NO. AM 477-98

Meeting Date: May 5, 1998

From: Assembly Chair Begich

**Subject: AO 98-73(S) - Civil Penalties for Persons Under 21 Years
Illegally Entering Licensed Premises**

This 'S' version makes one important change to AO 98-73:

The required sign for warning minors, as currently stated in AO 98-73, prohibits minors from entering licensed premises without a "parent, adult, or court-appointed guardian". By only stating "adult", a minor could still enter the premises with a friend, acquaintance, etc. who is 21 years of age or older. The 'S' version states "adult spouse", which is the language supported by the industry, and a solution to this potential problem.

Approval of this 'S' version is recommended.

Respectfully submitted:

Prepared by:


Mark Begich
Assembly Chair


Greg Moyer, Director
Assembly Office

AO 98-73(S)

MUNICIPALITY OF ANCHORAGE

ASSEMBLY INFORMATION MEMORANDUM

accepted 9-15-98 No. AIM 110-98

Meeting Date: September 15, 1998

From: Revisor of Ordinances

Subject: AO 98-73(S); Civil Actions by Alcoholic Beverage Licensees Against Minors

On May 5, 1998 the Assembly enacted the referenced ordinance as Anchorage Municipal Code sections 8.75.010, 8.75.020 and 8.75.030 to provide for civil actions against certain minors who knowingly enter licensed premises illegally.

Pursuant to Anchorage Municipal Code section 1.05.070B.1., the Revisor of Ordinances has consolidated and renumbered the referenced Code sections into AMC 10.50.020 to eliminate a conflict with the prior revision and renumbering of AMC Title 8, Penal Code. It was clearly not the Assembly's intent to affect the May 19, 1998 revision of Title 8 by the subsequent effective date of this ordinance.

Respectfully Submitted:

Mary K. Hughes

Mary K. Hughes
Revisor of Ordinances

Prepared by:

William A. Greene
William A. Greene
Assistant Municipal Attorney