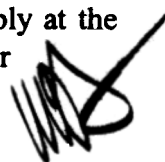


Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Department of Law
For reading: MARCH 27, 2001



ANCHORAGE, ALASKA
AO No. 2001- 74

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE CURFEW LAW IN ANCHORAGE MUNICIPAL CODE SECTION 8.75.060 AND OTHER RELATED SECTIONS OF THE CODE PERTAINING TO CURFEW.

Section 1. Anchorage Municipal Code section is hereby amended to read as follows:

8.75.060 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

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:

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 17 [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.

A minor commits an offense if he or she, without the consent of his or her parental or guardian, 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.]

- 2.[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 without the consent of the minor's parent or guardian.

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);]

b.[c.] Involved in an emergency;

c.[d.] Engaged in an employment activity, or going to or returning from an employment activity, without detour or stop;

d.[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;

e.[f.] Attending, or going to or [RETURNING HOME] from any lawful activity with the consent of the minor's parent or guardian [, 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];

f.[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

g.[h.] Married or had disabilities of minority removed in accordance with AS 9.55.590.

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; AO No. 98-59(S), § 1, 5-19-98)

Section 2. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2001.

Chair of the Assembly

ATTEST:

Municipal Clerk

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**MUNICIPALITY OF ANCHORAGE
MUNICIPAL CLERK'S OFFICE
AGENDA DOCUMENT CONTROL SHEET**

AO 2001-74

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

| | | | | |
|----------|---|----------|--|-------------------------------|
| 1 | SUBJECT OF AGENDA DOCUMENT | | DATE PREPARED | |
| | AMENDING THE CURFEW LAW IN AMC 8.75.060 AND | | Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM | |
| | OTHER RELEATED SECTIONS OF THE CODE ... | | | |
| 2 | DEPARTMENT NAME | | DIRECTOR'S NAME | |
| | DEPARTMENT OF LAW | | WILLIAM A. GREENE, MUNICIPAL ATTORNEY | |
| 3 | THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY | | HIS/HER PHONE NUMBER | |
| | | | 343-4545 | |
| 4 | COORDINATED WITH AND REVIEWED BY | INITIALS | DATE | |
| | Mayor | | | |
| | Municipal Clerk | | | |
| | Municipal Attorney | | | |
| | Employee Relations | | | |
| | Municipal Manager | | | |
| | Cultural & Recreational Services | | | |
| | Fire | | | |
| | Health & Human Services | | | |
| | Merrill Field Airport | | | |
| | Municipal Light & Power | | | |
| | Office of Management & Budget | | | |
| | Police | | | |
| | Port of Anchorage | | | |
| | Public Works | | | |
| | Solid Waste Services | | | |
| | Public Transportation | | | |
| | Water & Wastewater Utility | | | |
| | Executive Manager | | | |
| | Community Planning & Development | | | |
| | Finance, Chief Fiscal Officer | | | |
| | Heritage Land Bank | | | |
| | Management Information Systems | | | |
| | Property & Facility Management | | | |
| | Purchasing | | | |
| | Other | | | |
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| 5 | SPECIAL INSTRUCTIONS/COMMENTS TIME CRITICAL ITEM | | | |
| | 03-27-01: LAID ON THE TABLE & INTRODUCED | | | |
| | | | | |
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| | | | | |
| 6 | ASSEMBLY HEARING DATE REQUESTED | | 7 | PUBLIC HEARING DATE REQUESTED |
| | | | | 4-17-01 |