

CLERK'S OFFICE
APPROVED
Date 4-17-01

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Department of Law
For reading: APRIL 17, 2001

ANCHORAGE, ALASKA
AO No. 2001-74(S)

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:

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
2 if the minor was:

3
4 a. Accompanied by his or her parent or guardian;

5 [B. ON AN ERRAND AT THE WRITTEN DIRECTION OF HIS OR HER
6 PARENT OR GUARDIAN, WITHOUT ANY DETOUR OR STOP
7 (WRITTEN DIRECTION MUST BE SIGNED, TIMED, AND
8 DATED BY THE PARENT OR GUARDIAN AND MUST
9 INDICATE THE SPECIFIC ERRAND);]

10 b.[c.] Involved in an emergency;

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

13 d.[e.] On the public right-of-way immediately abutting the minor's residence
14 or immediately abutting the residence of a next-door neighbor, if the
15 neighbor did not complain to the police department about the minor's
16 presence;

17 e.[f.] Attending, or going to or [RETURNING HOME] from any lawful
18 activity with the consent of the minor's parent or guardian [,
19 WITHOUT ANY DETOUR OR STOP, AN OFFICIAL SCHOOL,
20 RELIGIOUS, OR OTHER RECREATIONAL ACTIVITY
21 SUPERVISED BY ADULTS AND SPONSORED BY THE
22 MUNICIPALITY, ANCHORAGE SCHOOL DISTRICT, A CIVIC
23 ORGANIZATION, OR ANOTHER SIMILAR ENTITY THAT
24 TAKES RESPONSIBILITY FOR THE MINOR];

25 f.[g.] Exercising First Amendment rights protected by the United States
26 Constitution, such as the free exercise of religion, freedom of speech,
27 and the right of assembly; or

28 g.[h.] Married or had disabilities of minority removed in accordance with AS
29 9.55.590.

30 2. It is an exception to prosecution under subsection B.3 of this section that the
31 owner, operator, or employee of an establishment promptly notified the police
32 department that a minor was present on the premises of the establishment
33 during curfew hours and refused to leave.

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

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

(GAAB 18.05.070; AO No. 89-52; AO No. 95-195(S-1), § 1, 5-19-98; AO No. 98-59(S), § 1, 5-19-98)

Section 2. Anchorage Municipal Code sections 10.55.055, 10.55.080, 14.60.020, and 14.60.030 are hereby amended to read as follows: *(the remainder of the sections is not affected and therefore not set out)*

10.55.055 Hours of operation, restrictions on location, and posting of permit.

A No teen nightclub or cultural performance venue shall be conducted or operated during curfew hours as defined in AMC 8.75.060[05.440] unless each patron remaining or attempting to enter the premises of the teen nightclub or cultural performance venue is 17 years of age or older or, if under 17 years of age, has the consent of his or her parent or guardian. [PRESENTS IDENTIFICATION OR OTHER EVIDENCE SHOWING THAT THE PATRON IS NOT SUBJECT TO THE CURFEW HOURS AS DEFINED IN AMC 8.05.440]. (AO No. 96-51(S-1), § 1, 8-1-96; AO No. 96-126(S), § 1, 10-1-96)

10.55.080 Permit suspension or revocation; cease and desist orders; and appeals.

A The municipal clerk may suspend or revoke any teen nightclub or cultural performance permit upon a finding that any one or more of the following conditions exists:

- 7 The permittee, or any officer, director, employee, agent, partner, or shareholder thereof, has allowed, either by act or omission, a teen nightclub or cultural performance venue to be operated outside the curfew hours established in AMC 8.75.060[05.440] while persons subject to AMC 8.75.060[05.440] are patrons; or

(AO No. 96-51(S-1), § 1, 8-1-96; AO No. 96-126(S), § 1, 10-1-96)

14.60.020 Application of fine schedule.

D. Notwithstanding subsection A. of this section, a minor upon whom a civil fine or a civil penalty for violation of section 8.75.060[05.440] (Minors--Curfew) or section 8.05.451 (Minors--Possession of tobacco products) has been imposed may elect to satisfy a maximum of \$150.00 of such fine or penalty by performing community work service as assigned by the municipality's department of cultural and recreational services. To satisfy any civil fine or penalty imposed, performance of the community work service must occur (a) within 60 days from the effective date of the final order; or (b) if the minor chooses to begin the community work service prior to issuance of a final order, within 60 days of reporting for community work service.

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2 1. Any citation for a violation of section 8.75.060[05.440] or of section 8.05.451
3 shall include information advising how a minor may elect to perform
4 community work service in accordance with this subsection. (AO No. 93-
5 167(S-1), § 1, 4-13-94; AO No. 97-107, § 2, 11-17-97; AO No. 98-8, § 1, 1-
6 27-98)
7

8 14.60.030 Fine schedule.
9

10 The fine schedule under this chapter is as follows
11

12 8.75.060[05.440] Curfew 75.00--300.00
13

14 Section 3. This ordinance shall become effective immediately upon its passage and approval by
15 the Assembly.
16

17
18 PASSED AND APPROVED by the Anchorage Assembly this 17th day of April
19 2001.
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22 
23 Chair of the Assembly
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26 ATTEST:
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31 Municipal Clerk
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