Postpored Indefinitely

Submitted by: AssemblymembersTESCHE,

Traini, Tremaine

Prepared by: Assembly Office

For Reading: MARCH 27, 2001

ANCHORAGE, ALASKA AO 2001-_87__

AN ORDINANCE ENACTING A NEW SECTION 25.70.070 AUTHORIZING THE ISSUE OF CONDUCT ORDERS IN CERTAIN PUBLIC AREAS TO REMEDY LISTED VIOLATIONS OF THE ANCHORAGE MUNICIPAL CODE AND PROVIDING FOR APPEALS FROM THOSE ORDERS; AMENDING SECTION 8.45.010 RELATING TO THE CRIME OF TRESPASS AND SECTION 14.20.020 REGARDING ADMINISTRATIVE HEARINGS

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: AMC Chapter 25.70. is amended by enactment of a new section .070 to read:

25.70.070 Conduct Orders.

- A. In addition to other measures allowed under law, a police officer who has probable cause to believe that act(s) constituting the violation of one or more of the ordinances listed in subsection B below has been committed, may issue a Conduct Order prohibiting the offending person from remaining in, or entering upon the public area where the offense was committed for a period of thirty (30) days from the date of the offense. The Conduct Order shall be personally delivered to the offender in writing as soon as practicable after the offense occurs, shall specify the dates and the public area to which the Order applies, and shall be signed by the issuing officer. The Order shall also explain the consequences for failure to comply with its terms, the rights of the respondent to appeal under subsection C below, and to obtain a stay of the Order under subsection D of this section.
- B. A Conduct Order may be issued only for a violation of the following sections of the Anchorage Municipal Code and State law:

AMC 8.75.020.A.	Consuming alcoholic beverage in public place
AMC 8.75.120	Public excretion
AMC 8.10.050.A.	Indecent exposure or exhibition
AMC 8.75.050.A.	Littering; defacing building or other structure
AMC 8.20.010.A.	Malicious destruction of property
AMC 8.30.120.A.1	Disorderly conduct - solicitation for sexual penetration
AMC 8.30.120.A.1	Disorderly conduct - noise

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AMC 8.30.120.A.6. Disorderly conduct - fighting

AMC 8.30.120.A.7. Disorderly conduct - spitting on an officer

AMC 8.20.030.C. Application of graffiti to public property

AMC 8.65.020.A. Prostitution, assignation

AMC 8.65.030.A. Prostitution, solicitation

AMC 8.65.110.A. Prostitution, loitering

AMC 8.75.010.A. Providing alcohol to an intoxicated person or minor

AMC 8.75.040.A. Fireworks

AMC 25.70.060.H. - Q. Activities prohibited in parks

AMC 25.70.040 Activities prohibited in parks

AS 11.71.060 Misconduct involving a controlled substance in the 6th

degree

AS 11.76.105 Possession of tobacco by minor

- C. Within fourteen (14) working days any person receiving a Conduct Order may appeal the Order to the Administrative Hearings Officer under Title 14 of this Code. At the hearing, the Municipality shall have the burden of proving by a preponderance of the evidence, that the respondent committed one or more of the offenses described in subsection B above. If the Hearings Officer finds the offense(s) did not occur, he shall vacate the Order immediately. If the Hearings Officer finds the offense(s) occurred, he shall uphold the Order.
- D. At any time after issue of a Conduct Order and while the Order is in effect, the person aggrieved may petition the Administrative Hearings Officer for an immediate stay of the Order pending resolution of an appeal under subsection C above. The Administrative Hearings Officer shall expedite consideration of a petition for stay and shall grant a stay upon a showing of probable success on the merits of the appeal by the respondent.
- E. In this section:
 - 1 The term "police officer" is limited to a regularly sworn police officer as defined under AS 18.65.290.6.A.

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2. The term "public area" is limited to the outdoor areas of municipal property made available to the public for parks or recreation uses, the outdoor areas of school grounds of the Anchorage School District, the indoor area of the downtown bus accommodation center as well as the outdoor portions of the North ½ of Block 42 AOT (old City Hall). "Public areas" do not include streets of any type regularly used for vehicular traffic or sidewalks on the perimeters of public areas.

Section 2: AMC 8.45.010.A.3. is amended by addition of a new subsection 5 to read:

8.45.010 Trespass.

- A. A person commits the crime of criminal trespass if the person:
 - 5. Knowingly enters or remains in a "Public area" as defined under 25.70.070.E.2. after having been personally served with a Conduct Order issued under 25.70.070.A. while the Order is effective.

Section 3: AMC 14.20.020.A. is amended by addition of a new subsection 3 to read:

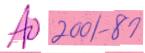
14.20.020 Jurisdiction.

- A. Administrative hearings officers shall have jurisdiction over all matters:
 - 3. Submitted to the Hearings Officer under section 25.70.070 of this Code as appeals from Conduct Orders or applications for a stay of a Conduct Order under subsection D of that section.

	Section 4: This ordinance shall become eff	fective 30 days after i	fter its passage and approval		
2001	PASSED AND APPROVED by the Anchora	age Assembly this	day of		
ATTE	ST:	Chair			

Municipal Clerk

Municipality of Anchorage MUNICIPAL CLERK'S OFFICE AGENDA DOCUMENT CONTROL SHEET



1	SUBJECT OF AGENDA DOCUMENT		DATE PREPARED 3-22-01	
	Enaching new AMC Section Issue of Conduct Orders	INDICATE DOCUMENTS ATTACHED		
	Issue of Conduct Orders		AO	
2	DEPARTMENT NAME Assembly	IRECTOR'S NAME Fay Von	Gemmingen	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY		HIS/HER PHONE NUMBER 4751	
4	COORDINATED WITH AND REVIEWED BY	ITIALS	DATE	
	Mayor			
	Heritage Land Bank			
	Merrill Field Airport			
	Municipal Light & Power		20	
	Port of Anchorage			
	Solid Waste Services		RR	
	Water & Wastewater Utility		<u>ن</u> کی کی	
	Municipal Manger		OF PA	
	Cultural & Recreational Services		5 2	
	Employee Relations		10	
	Finance, Chief Fiscal Officer			
14 J	Fire			
	Health & Human Services			
	Office of Management and Budget			
-1	Management Information Services			
	Police			
	Planning, Development & Public Works			
	Development Services			
	Facility Management			
	Planning			
14-15 T	Project Management & Engineering			
	Street Maintenance			
	Traffic			
	Public Transportation Department			
	Purchasing			
	Municipal Attorney			
	Municipal Clerk			
	Other			
5	SPECIAL INSTRUCTIONS/COMMENTS	addens	lar	
	For Introduc	tion 1.6.8		
	The second of th	The state of the s	Section 19 Contract C	
6	ASSEMBLY MEETING DATE 3-27-0/ 7	PUBLIC HEARING DATE	REQUESTED 4-17-01	