

Postponed Indefinitely 3/4/03

Submitted by: Assembly Chair Traini
Prepared by: Department of Law
For reading: March 4, 2003

ANCHORAGE, ALASKA
AO NO. 2003-53

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 10.55 TO
MODIFY THE DEFINITIONS, PERMIT REQUIREMENTS AND AGE RESTRICTIONS FOR
TEEN NIGHTCLUBS.

WHEREAS, persons over 19 are generally no longer in high school and are considered adults for
most purposes;

WHEREAS, the US Supreme Court has recognized findings that older teens have easier access to
drugs and alcohol and have more mature and liberal sexual attitudes;

WHEREAS, persons under 16 are generally not licensed to drive unaccompanied by an adult and
thus are not able to independently remove themselves from potentially dangerous situations, are not
generally as mature as older teens, and are often victims of crimes committed by older teens; and

WHEREAS, age restrictions are designed to discourage adult and juvenile crime, including crimes
committed by older juveniles against younger juveniles; now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code subsections 10.55.005D. and E. are hereby amended to read
as follows: *(the remainder of the section is not affected and therefore not set out)*

10.55.005 Definitions.

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D. "Teen nightclub" means any place, [OR] location, or premises which is not a cultural
performance venue at which [WHERE] an underage dance is conducted, operated, or
maintained [FOR MORE THAN SIX DAYS IN A CALENDAR YEAR, AND
INCLUDES THE BUSINESS PREMISES IN WHICH AN UNDERAGE DANCE IS
CONDUCTED, OPERATED, OR MAINTAINED], including but not limited to
hallways, bathrooms, and other areas readily open and accessible to the patrons of the
underage dance, such as parking lots and other adjoining areas.

E. "Underage dance" means an activity or entity which is open to the general public,
provides music, has a dance floor or area set aside where patrons can dance, permits
the entry of persons 19 [20] years old or younger, and requires a monetary payment or
other form of contribution from any of the persons admitted.

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

Section 2. Anchorage Municipal Code subsection 10.55.010C is hereby amended to read as follows: *(the remainder of the section is not affected and therefore not set out)*

10.55.010 Teen nightclub permit and cultural performance venue permit.

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C. Notwithstanding any other provision of law, on October 1, 1996 the provisions of the Teen Nightclub Law unrelated to whether a teen nightclub or a cultural performance venue has a permit apply to a teen nightclub and a cultural performance venue and to the owners, operators, managers, and employees of a teen nightclub or a cultural performance venue which does not fit within an exception described in subsection B. of this section. Such provisions applying whether or not a teen nightclub or a cultural performance venue has a permit specifically include the requirements for security personnel under Section 10.55.045; restriction on admission of persons under 16 [14] years of age, identification requirements, and rights of parents and legal guardians to prohibit patronage by person under 18 years of age under Section 10.55.050; hours of operation under Section 10.55.055; access for police officers under Section 10.55.060; alcohol and tobacco under Section 10.55.070; duty to report intoxicated persons under Section 10.55.075; maintenance of regulated business activity in violation declared a nuisance and abatement under Section 10.55.085; authority of municipal clerk to adopt regulations, procedures, and forms under Section 10.55.090; administrative procedure and review under Section 10.55.095; penalties and prosecution under Section 10.55.100; and fine schedule under Section 14.60.030.

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

Section 3. Anchorage Municipal Code section 10.55.050 is hereby amended to read as follows:

10.55.050 Age restrictions and identification requirements for teen nightclubs, rights of parents and legal guardians to prohibit patronage of teen nightclubs by person under 18 years of age, and required signs announcing age of patrons allowed.

- A. [1.] No person conducting or operating a teen nightclub shall allow, either by act or omission, any person under the age of 16 [14] years to enter or remain on the premises. [2.] No person having charge or control of any teen nightclub shall allow any person under the age of 18 years to enter or remain on the premises after receiving a written notice signed by the parent or legal guardian of such teenager which requests that said teenager be prevented from entering the premises.
- B. No person conducting or operating a teen nightclub shall allow, either by act or omission, any person 19 [21] years or older to enter or remain upon the premises, except: a parent or guardian accompanying a person under the age of 18 years; bona fide employees or compensated independent contractors of the permittee or security personnel as required under Section 10.55.045; and governmental employees in the performance of their duties.

- 1 C. Teen nightclub operators shall ascertain the correct legal age of all persons seeking
2 admission. Any person who does not meet the age requirements of this section shall
3 be excluded from admission. The teen nightclub operator shall require proof of age
4 from each patron before allowing the patron to enter the teen nightclub. Such proof of
5 age shall [MAY] be established by identification issued by the patron's school or a
6 governmental agency such as the state division of motor vehicles. Such proof of age
7 must contain, at a minimum, the patron's name, the patron's date of birth, and a picture
8 of the patron taken within the preceding two years.
- 9 D. Signs announcing the ages of patrons allowed in the teen nightclub or the cultural
10 performance venue shall [MUST] be posted in conspicuous places inside and outside
11 the teen nightclub or cultural performance venue.

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

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14 **Section 4.** Anchorage Municipal Code subsection 10.55.030B.9. is hereby amended to read as
15 follows: (*the remainder of the section is not affected and therefore not set out*)
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17 **10.55.030 Permit issuance and denial.**

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- 19 B. The municipal clerk shall deny an application for a teen nightclub or cultural
20 performance venue permit after determining that:

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- 22 9. The operation puts the health, safety, and welfare of persons under 19 [21]
23 years of age at risk; or

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

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27 **Section 5.** This ordinance shall be effective immediately upon its passage and approval by the
28 Assembly.

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30 PASSED AND APPROVED by the Anchorage Assembly this day of _____
31 2003.

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35 _____
36 Chair of the Assembly

37 ATTEST:

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39 _____
40 Municipal Clerk

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