

CLERK'S OFFICE

AMENDED AND APPROVED

Date: 4-8-03

ANCHORAGE, ALASKA

AO NO. 2003- 55

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 10.55 TO MODIFY THE DEFINITIONS, PERMIT REQUIREMENTS, SECURITY PERSONNEL REQUIREMENTS AND AGE RESTRICTIONS FOR TEEN NIGHTCLUBS; AND AMENDING ANCHORAGE MUNICIPAL CODE AND CODE OF REGULATIONS CHAPTERS 25.10 TO PROVIDE AN AGE RESTRICTION AND REQUIRE A SPECIFIED RATIO OF ADULT SUPERVISORS TO MINORS FOR CERTAIN UNDERAGE DANCES ON MUNICIPAL PROPERTY.

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 ^{in another jurisdiction} 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.

Amendments to AO 2003-55

10.55.010

B. Exceptions.

- ~~4. Underage dances, or cultural performance venues, sponsored and supervised by the Municipality.~~

(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.

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.

(AO No. 96-51(S-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.

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

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

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

10.55.030 **Permit issuance and denial.**

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

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

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

Section 5. Anchorage Municipal Code section 10.55.045 is hereby amended to read as follows:

10.55.045 **Security personnel.**

All permittees shall ensure that an adequate number of qualified security personnel are employed and in attendance upon teen nightclub premises and cultural performance venue premises to maintain order and ensure compliance with the laws of the state and ordinances of the municipality. For purposes of this section, there is no "adequate number of qualified security personnel" unless there is at least one security person for each ~~25~~ [70] persons actually on the business premises of a teen nightclub or cultural performance venue as defined in AMC 10.55.005. No person serving food or drinks or managing a teen nightclub or cultural performance venue can be counted as a "security person" for purposes of this section. The minimum age for such security personnel shall be 21 years of age.

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

Section 6. Anchorage Municipal Code Chapter 25.10 is hereby amended by adding a new section to read as follows:

25.10.100 Underage dances.

- A. Underage dances, as defined in chapter 10.55, which are held on municipal property shall be limited to persons between 16 and ¹⁸~~19~~ years of age, except for underage dances sponsored by accredited educational institutions and held under the direct supervision of school authorities, ~~and for underage dances or cultural performances sponsored and supervised by the Municipality.~~
- B. Except for underage dances sponsored by accredited educational institutions and held under the direct supervision of school authorities, ^{A, insert same as above} a use permit pursuant to section 25.10.060 shall be required for underage dances on municipal property.

Section 7. Anchorage Municipal Code of Regulations section 25.10.010 is hereby amended to read as follows: *(the remainder of the section is not affected and therefore not set out)*

25.10.010 Standards for issuance of use permit.

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- B. No permit shall be issued for an activity designed for minors unless the permittee demonstrates the availability of adult supervision to the satisfaction of the director. For underage dances permitted under AMC section 25.10.100, adult supervision shall be at least at a ratio of 1 adult per 25 minors anticipated to attend.

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(AO No. 83-72)

Section 8. Sections 6 and 7 shall not apply to underage dances already validly authorized by the Municipality or its contractors. This ordinance shall be effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 8th day of April, 2003.


Chair of the Assembly

ATTEST:


Municipal Clerk