

CLERK'S OFFICE
AMENDED AND APPROVED

Date: 4-22-14

Submitted by: Chair of the Assembly at the
Request of the Mayor

Prepared by: Dept. of Law

For reading: March 25, 2014

ANCHORAGE, ALASKA
AO No. 2014-42 As Amended

AN OMNIBUS ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
REVISING ANCHORAGE MUNICIPAL CODE TITLE 8, PENAL CODE, BY
AMENDING, RELOCATING, OR REPEALING AND REENACTING CHAPTERS;
AMENDING CERTAIN SECTIONS OF TITLE 9, VEHICLES AND TRAFFIC, TO
UPDATE AND AMEND PROVISIONS RELATED TO CRIMINAL OR MINOR
OFFENSES AND THE TRAFFIC OFFENSES FINE SCHEDULE; AMENDING TITLE
14, ADMINISTRATIVE ENFORCEMENT TO UPDATE THE CIVIL VIOLATIONS
FINE SCHEDULE IN CHAPTER 14.60 ACCORDINGLY AND TO ADD NEW
CHAPTER 14.70, CIVIL VIOLATIONS; REPEALING SECTION 10.55.105, SECTION
16.55.090, AND SECTION 16.95.030; AMENDING SECTION 2.35.130, SECTION
2.60.180, SECTION 3.80.090, SECTION 5.80.020, SECTION 10.05.025, SECTION
10.50.015, SECTION 10.55.105, SECTION 12.05.080, SECTION 12.10.040,
SECTION 12.20.110, SECTION 12.40.135, SECTION 16.10.010, SECTION
16.55.090, SECTION 16.90.030, SECTION 16.95.030, SECTION 16.100.190,
SECTION 16.110.080, SECTION 17.60.010, SECTION 24.80.015, SECTION
26.40.070, AND SECTION 26.50.420 TO MAKE THEM CONSISTENT WITH AND
CONFORM TO THE PENAL CODE AMENDMENTS; AMENDING ANCHORAGE
MUNICIPAL CODE OF REGULATIONS SECTION 3.90.002 TO ADD MUNICIPAL
PROSECUTOR'S OFFICE STANDARD CHARGES; AND RELATED MATTERS.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code chapters 8.05 General Principles, 8.10 Crimes Against Persons, 8.15 Theft Crimes, and 8.20 Crimes Against Property, are all hereby repealed in their entirety. The existing text of these chapters being repealed are attached as Exhibit A, in accordance with AMC 1.05.050B. These chapters are hereby reenacted to read as follows:

Chapter 8.05 GENERAL PRINCIPLES

8.05.010 General principles of criminal liability.

- A. The minimum requirements for criminal liability is the performance by a person of conduct that includes a voluntary act or the omission to perform an act that the person is capable of performing.
- B. If a provision of law defining an offense does not prescribe a culpable mental state, the culpable mental state that must be proved with respect to:
1. Conduct is "knowingly"; and
 2. A circumstance or result is "recklessly."

C. The proper citation format to offenses in this title shall be as set forth in section 1.05.010, and by indicating the title number, chapter number, and section number in that order and separated by periods. For example, "AMC section 8.05.010" means Title 8, chapter 05, section 010. When citing to subsequent lettered or numbered subsections, paragraphs, or subparagraphs in this title, the official format is to separate each by a period except the section number and first subsection letter are not separated. (For example: "AMC 8.05.010B.1.") Common variations of the citation format are acceptable for official documents and shall not invalidate actions sought by presentment of such documents when an error or omission in citation form did not mislead a person to that person's prejudice. References to subsections or subparagraphs in this title using parentheses in place of periods to designate such subsections or subparagraphs shall be considered as identical to references using periods without parentheses. For example AMC 8.05.010B.1. and AMC 8.05.010(B)(1) shall be deemed to reference the same ordinance and accepted on official documents.

(GAAB 18.05.230; AO No. 85-209; AO No. 89-52; AO No. 89-123; AO No. 90-122; AO No. 90-141; AO No. 93-167(S-1), § 6, 4-13-94; AO No. 93-200, § 2, 2-3-94; AO No. 94-22, § 4, 2-15-94; AO No. 94-30, § 4, 4-19-94; AO No. 94-130, § 3, 9-20-94; AO No. 95-149(S), § 2, 11-2-95; AO No. 95-187(S), § 2, 10-26-95; AO No. 97-107, § 1, 11-17-97; AO No. 98-59(S), § 1, 5-19-98; AO No. 2011-110, § 1, 11-8-11)

8.05.015 Definitions.

A. *Definitions.* Except as otherwise provided in this title or unless the context clearly indicates otherwise, the definitions of the words and phrases in AS 11.81.900, or the definitions applicable to the Alaska Statutes provisions corresponding to the offense described in sections of this title, shall be the definitions of those same words and phrases used in this title. The definitions of words and terms below shall apply for purposes of this title unless otherwise provided:

1. *Camping* means the use of space for the purpose of sleeping or establishing temporary living quarters, including, but not limited to, erection of a tent or other shelter.
2. *Child* refers to any person under 16 years of age.
3. *Family member* means a:
 - a. Spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew or niece of the victim, whether related by blood, marriage or adoption;

- b. Person who lives, or has previously lived, in a spousal relationship with the victim;
- c. Person who lives in the same household as the victim; or
- d. Person who is a former spouse of the victim or is or has been in a dating, courtship or engagement relationship with the victim.

4. *Domestic violence* and *Crime involving domestic violence* mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

- a. a crime against the person under AMC 8.10;
- b. criminal trespass under AMC 8.45;
- c. criminally negligent burning under AMC 8.20.030;
- d. criminal mischief under AMC 8.20.010;
- e. violating a protective order under AMC 8.30.105;
- f. harassment under AMC 8.10.110;

For purposes of this section, *household member* has the definition assigned to that term by AS 18.66.990(5).

5. *Lawful order* means an order which is given where the defendant's conduct or speech substantially impedes an officer in the performance of any duties in effecting an arrest, in investigating a crime, or in ensuring the public safety.

6. *Minor* refers to any person under 18 years of age.

7. *Minor offense* means a noncriminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a minor offense does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a minor offense is not entitled to a trial by jury or to have a public defender or other counsel appointed at public expense to represent the person.

Editor's note: Formerly Subsection 8.05.010C.

8.05.020 Sentencing.

- 1 A. When a person is sentenced to imprisonment, the term of confinement
2 begins on the date of imposition of sentence unless the court
3 specifically provides that the defendant must report to serve the
4 sentence on another date or an appeal is taken and the defendant is
5 admitted to bail. A person who is sentenced shall receive credit toward
6 service of the sentence for time spent in custody pending trial or
7 sentencing, or appeal, if that detention was in connection with the
8 offense for which sentence was imposed. A defendant may not receive
9 credit for more than the actual time spent in custody pending trial,
10 sentencing, or appeal. The time during which the person is voluntarily
11 absent from the jail, other custodial institution or custody of an officer
12 after sentencing shall not be counted toward service of the sentence.
13
- 14 B. If a person is convicted of two or more crimes, the judgment entered by
15 the court may specify that the imprisonment upon one conviction
16 begins at the expiration of the imprisonment for any other of the crimes.
17 If the defendant is imprisoned upon a previous judgment of conviction
18 for a crime, the judgment may be that the imprisonment commences at
19 the expiration of the term limited by the previous judgment.
20
- 21 C. The court authorized to pass sentence upon a person convicted of a
22 crime under this Code shall determine and impose the punishment
23 prescribed. When punishment is left undetermined between certain
24 limits or kinds of punishment the court shall determine the punishment
25 to be imposed, except as set forth in subsection D of this section.
26
- 27 D. When a minimum sentence is prescribed as punishment for a Class A
28 or Class B misdemeanor, the court may not impose a lesser sentence,
29 nor may the court suspend or defer such minimum sentence.
30
- 31 E. Except as provided in subsection D of this section, for a Class A or
32 Class B misdemeanor, the court in the interest of justice may suspend
33 part or all of a sentence imposed, or suspend imposition of sentence
34 and place the defendant on probation. In sentencing under this Code,
35 the provisions of AS 12.55 shall apply. This subsection is not applicable
36 to minor offenses.
37
- 38 F. In addition to any other penalty prescribed by this title, a court
39 authorized to pass sentence upon a person convicted of a crime under
40 this title may enter a judgment directing the forfeiture of any weapon
41 used in the commission of that crime by the person convicted.
42
- 43 G. In addition to any other penalty for a Class A or Class B misdemeanor
44 provided for in this Title or under this Code and except as otherwise
45 provided in this section, and subject to judicial discretion, as provided
46 for in AS 12.55 and subject further to the provisions of AS 47.10
47 governing disposition of juveniles in juvenile cases, the following
48 provisions apply. This subsection is not applicable to minor offenses.
49

1. Community work service may be imposed as part of the sentence or as a condition of probation, suspended sentence, or suspended imposition of sentence whenever feasible and, as nearly as possible, shall be appropriate to the crime for which imposed; and
2. An order imposing community work service shall specify one or more of the following as the remedy for failure to complete community work service as ordered:
 - a. Conversion of unsatisfied community work service hours to a fine at the rate of \$150.00 for every eight hours or fraction thereof;
 - b. Issuance of a bench warrant to secure return of the defendant or juvenile to court for imposition of sentence or deposition or modifications of conditions, except that a bench warrant may not issue if the underlying offense was a minor offense as defined in the Alaska Rules of Minor Offense Procedure;
 - c. Conversion of the community work service requirement to an alternative condition;
 - d. Any remedy the court may lawfully impose.
- H. Offenses under this title shall be designated as Class A Misdemeanors, Class B Misdemeanors, or Minor Offenses and shall be subject to the following punishment upon conviction:
 1. Class A misdemeanors are punishable by up to one year in jail and up to a \$10,000 fine.
 2. Class B misdemeanors are punishable by up to six months in jail and up to a \$2,000 fine
 3. Minor offenses are punishable by the fine set forth within the section describing the offense. Reduction of the fine amount is prohibited pursuant to Alaska Rules of Minor Offense Procedure 10(a). All minor offenses in this chapter shall be contained in the Uniform Minor Offense Table maintained by the Alaska Court System.
 4. Additional minimum penalties may apply to offenses in this title and are set forth within the language of the offense.

(AO No. 79-24; AO No. 82-134; AO No. 95-67(S), § 8, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-178, § 3, 9-26-95; AO No. 96-106, § 1, 8-6-96; AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-145(S-1), § 1, 12-11-01; AO No. 2006-52, § 1, 4-11-06)

**8.05.025 Minor Offense Fine Schedule; Misdemeanor penalty
reference table; and state surcharge.**

A. *Minor Offense Fine Schedule.* In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074, if applicable. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. Reduction of the scheduled fine amount is prohibited pursuant to Alaska Rules of Minor Offense Procedure 10(a). If an offense is not listed on this fine schedule or another fine schedule, the defendant must appear in court to answer to the charges. A person must respond to the citation within 30 days. Reduction of the scheduled fine amount is prohibited pursuant to Alaska Rules of Minor Offense Procedure 10(a).

Title	Section	Fine amount
Impersonating paramedic or emergency medical technician	8.30.075	300.00
Consuming alcoholic beverage in public place.	8.35.300	100.00
Intoxicated persons on roadway	8.35.310	500.00
Illegal Presence on Premises Involving Alcoholic Beverages	8.35.416.025	300.00
Permitting Minor to Illegally Possess Liquor in Dwelling	8..35.416.057	300.00
Illicit synthetic drugs	8.35.500E.1.	500.00
Accidents involving injury to animals	8.55.030	500.00

B. *Misdemeanor offenses reference table.*

Section	Description	Penalty	Penalty Section
Chapter 8.10 OFFENSES Against Persons			
8.10.010(B)(1)	Assault- injury	Class A	8.05.020H.1.
8.10.010(B)(2)	Assault- by dangerous	Class A	8.05.020H.1.

	instrument		
8.10.010(B)(3)	Assault- fear	Class A	8.05.020H.1.
8.10.010(B)(4)	Assault- fear for another	Class A	8.05.020H.1.
8.10.020(B)	Stalking	Class A	8.05.020H.1.
8.10.030(B)	Abuse child/vulnerable adult	Class A	8.05.020H.1.
8.10.040(B)	Neglect child/vulnerable adult	Class A	8.05.020H.1.
8.10.050(B)	Family violence	Class A	8.05.020H.1.
8.10.070(A)	Enticement	Class A	8.05.020H.1.
8.10.080(A)(1)	Indecent exposure presence person under 16	Class A	8.05.020H.1.
8.10.080(A)(2)	Indecent exposure presence person 16-over	Class B	8.05.020H.2
8.10.090(A)	Illegal use phone or electronic communication	Class B	8.05.020H.2
8.10.100(A)	Reckless endangerment	Class A	8.05.020H.1.
8.10.110(A)(1-3)	Harassment	Class B	8.05.020H.2
8.10.110(A)(4-5)	Harassment- offensive physical contact in specific manner	Class A	8.05.020H.1.
Chapter 8.15 THEFT OFFENSES			
8.15.020(A) < \$50	Theft of lost or mislaid property \$5-\$50	Class B	8.15.010B.1 8.05.020H.2
8.15.020(A) ≥ \$50	Theft of lost or mislaid property over \$50	Class A	8.15.010B.2.a 8.05.020H.1
8.15.020(A) prior	Theft of lost or mislaid property under \$50 with prior convictions	Class A	8.15.010B.2.b 8.05.020H.1
8.15.030(A) < \$50	Theft by deception \$5-\$50	Class B	8.15.010B.1 8.05.020H.2
8.15.030(A) ≥ \$50	Theft by deception over \$50	Class A	8.15.010B.2.a 8.05.020H.1
8.15.030(A) prior	Theft by deception under \$50 with prior convictions	Class A	8.15.010B.2.b 8.05.020H.1
8.15.040(A) < \$50	Theft of services \$5-\$50	Class B	8.15.010B.1 8.05.020H.2
8.15.040(A) ≥ \$50	Theft of services over \$50	Class A	8.15.010B.2.a 8.05.020H.1
8.15.040(A) prior	Theft of services under \$50 with prior convictions	Class A	8.15.010B.2.b 8.05.020H.1
8.15.050(A) < \$50	Theft by shoplift \$5-\$50	Class B	8.15.010B.1 8.05.020H.2
8.15.050(A) ≥ \$50	Theft by shoplift over \$50	Class A	8.15.010B.2.a 8.05.020H.1
8.15.050(A) prior	Theft by shoplift under \$50 with prior convictions	Class A	8.15.010B.2.b 8.05.020H.1
8.15.060 (A) < \$50	Theft by failure to make required disposition of funds received or held \$5-\$50	Class B	8.15.010B.1 8.05.020H.2
8.15.060(A) ≥ \$50	Theft by failure to make required disposition of funds received or held over \$50	Class A	8.15.010B.2.a 8.05.020H.1
8.15.060(A) prior	Theft by failure to make required disposition of funds received or held under \$50 with prior convictions	Class A	8.15.010B.2.b 8.05.020H.1
8.15.070(A) < \$50	Theft by receiving \$5-\$50	Class B	8.15.010B.1

			8.05.020H.2
8.15.070(A) ≥ \$50	Theft by receiving over \$50	Class A	8.15.010B.2.a 8.05.020H.1
8.15.070(A) prior	Theft by receiving under \$50 with prior convictions	Class A	8.15.010B.2.b 8.05.020H.1
8.15.080(A) < \$50	Misapplication of property \$5- \$50	Class B	8.15.010B.1 8.05.020H.2
8.15.080(A) ≥ \$50	Misapplication of property over \$50	Class A	8.15.010B.2.a 8.05.020H.1
8.15.080(A) prior	Misapplication of property under \$50 with prior convictions	Class A	8.15.010B.2.b 8.05.020H.1
Chapter 8.20 OFFENSES AGAINST PROPERTY			
8.20.010(A)(1-5)	Criminal mischief damage property over \$50; tamper fire protection device; access computer; descramble signal, tamper traffic control device	Class A	8.05.020H.1.
8.20.010(A)(6-8)	Criminal mischief damage property under \$50; tamper property; joyride	Class B	8.05.020H.2
8.20.020(A)(1-4)	Vehicle tampering	Class B	8.05.020H.2
8.20.030(A)	Criminally negligent burning	Class A	8.05.020H.1.
8.20.035(A)(1-2)	Failure to control or report a dangerous fire	Class A	8.05.020H.1.
Chapter 8.25 WEAPON OFFENSES			
8.25.010(A)	Possession of weapon with intent to assault	Class B	8.05.020H.2
8.25.020(A)	Concealed weapons	Class B	8.05.020H.2
8.25.030(A)	Unlawful use <u>or</u> [ef] possession of firearms	Class B	8.05.020H.2
8.25.050(A)	Firearms on premises licensed for sale of alcoholic beverages	Class B	8.05.020H.2
8.25.060(A)	Firearms and deadly weapons on school grounds	Class A	8.05.020H.1.
8.25.065(A)	Firearms on grounds of a child care facility or a shelter	Class A	8.05.020H.1.
8.25.090(A)	Sale or furnishing of firearms, switchblades or gravity knives to minors	Class A	8.05.020H.1.
Chapter 8.30 OFFENSES AGAINST PUBLIC ORDER			
8.30.010(A)(1-8)	Resisting or interfering with peace officer	Class B	8.05.020H.2
8.30.010(A)(9)	Resisting or interfering with peace officer take/attempt to take weapon/service item	Class A	8.05.020H.1.
8.30.015(A)	Failure/refusal to comply with official orders during emergency proclamation	Class B	8.05.020H.2
8.30.020(A)(1-3)	False information or report	Class A	8.05.020H.1.
8.30.030(A)	Escape or attempt to escape	Class A	8.05.020H.1.
8.30.030(B)	Aiding or assisting escape or attempted escape	Class A	8.05.020H.1.
8.30.070(A)	Impersonation of a public servant	Class B	8.05.020H.2

8.30.080(A)(1-6)	Tampering with official proceedings	Class A	8.05.020H.1.
8.30.090(A)	Failure to appear	Class B	8.05.020H.2
8.30.100(A)	Solicitation of an illegal act	Class B	8.05.020H.2
8.30.105(A)(1-3)	Violating a protective order	Class A	8.05.020H.1.
8.30.107(A)	Interfering with a report of a crime involving domestic violence	Class A	8.05.020H.1.
8.30.110(A)	Violation of conditions of release	Class B	8.05.020H.2
8.30.115(A)(1-2)	Unlawful contact first degree-court order after sentence or condition of parole	Class A	8.05.020H.1.
8.30.115(B)(1-4)	Unlawful contact second degree-arrested and charge pending with court order	Class B	8.05.020H.2
8.30.120(A)(1-8)	Disorderly conduct	Class B	8.05.020H.2
8.30.125(B)	Pedestrian interference	Class B	8.05.020H.2
8.30.140(A)(1-3)	Abuse of third party appointment	Class B	8.05.020H.2
8.30.150(A)	Failure to remand	Class B	8.05.020H.2
8.30.160(B)(1-6)	Aggressive panhandling	Class B	8.05.020H.2
8.30.170(A)(1-2)	Unsworn falsification	Class A	8.05.020H.1.
Chapter 8.35 ALCOHOL AND DRUG OFFENSES			
8.35.010(B)(1)	Misconduct involving controlled substance in the fifth degree	Class A	8.05.020H.1.
8.35.010(B)(2)	Misconduct involving controlled substance in the sixth degree	Class B	8.05.020H.2
8.35.416.010(A-C)	Violating hours of sale or presence on licensed premises	Class A	8.05.020H.1.
8.35.416.015(A-B)	Violating pricing and marketing regulation of alcoholic beverages	Class A	8.05.020H.1.
8.35.416.020(A-B)	Soliciting purchase of alcoholic beverage for or on behalf of another	Class A	8.05.020H.1.
8.35.416.030(A-B)	Prohibited conduct related to drunken persons	Class A	8.05.020H.1.
8.35.416.040(A)	Access of drunken persons to licensed premises	Class A	8.05.020H.1.
8.35.416.045(A)	Obligation to enforce restrictions on licensed premises	Class A	8.05.020H.1.
8.35.416.047(A)	Access of persons with restriction on purchasing alcohol	Class A	8.05.020H.1.
8.35.416.049(A)	Access of persons under the age of 21 to licensed premises	Class A	8.05.020H.1.
8.35.416.050(D)	Habitual minor consuming or in possession or control of alcohol	Class B	8.05.020H.2
8.35.416.052(A)(1-5)	Furnishing of alcoholic beverages to persons under 21 years of age by licensees	Class A	8.05.020H.1.
8.35.416.055(A)	Room rental for purposes of consuming alcoholic beverages	Class A	8.05.020H.1.
8.35.416.060(A-E)	Purchase of alcohol by or delivery of alcohol to persons under the age of 21	Class A	8.05.020H.1.

8.35.416.080(A)	Sales or consumption of alcohol at school events	Class A	8.05.020H.1.
8.35.416.090(A-B)	Prohibition of bottle clubs	Class A	8.05.020H.1.
8.35.416.100(A)	Restriction of size on containers of alcohol sold	Class A	8.05.020H.1.
8.35.416.110(A)(1-2)	Sale of certain alcoholic beverages prohibited	Class A	8.05.020H.1.
8.35.416.120(A-B)	Removal or introduction of alcoholic beverages	Class A	8.05.020H.1.
8.35.416.130(A)	Stock of alcohol confined to licensed premises	Class A	8.05.020H.1.
8.35.416.140(A)	Sale or consumption of alcoholic beverages in a warehouse	Class A	8.05.020H.1.
8.35.416.150(A)	Licensee responsible for violations	Class A	8.05.020H.1.
8.35.416.160(A)	Restriction on purchasing alcoholic beverages	Class A	8.05.020H.1.
8.35.416.170(A-B)	Source of alcoholic beverages	Class A	8.05.020H.1.
8.35.416.172(A)(1-3)	Restrictions on purchase and sale of alcoholic beverages	Class A	8.05.020H.1.
8.35.416.175(A)	Furnishing alcoholic beverages in aid of gambling enterprise	Class A	8.05.020H.1.
8.35.620	Prohibited acts relating to sale of methamphetamine precursor drugs	Class B	8.05.020H.2
8.35.630(A)	Violating accessibility of methamphetamine precursor drugs	Class B	8.05.020H.2
8.35.640(A-B)	Violating regulations of registration of methamphetamine precursor drugs of purchases for resale	Class B	8.05.020H.2
Chapter 8.45 TRESPASS			
8.45.010(A)(1-4)	Trespass	Class A	8.05.020H.1.
8.45.020(A)(1-2)	Unauthorized entry	Class B	8.05.020H.2
Chapter 8.50 OFFENSES HARMFUL TO MINORS			
8.50.010(A-C)	Performances and exhibitions harmful to minors	Class B	8.05.020H.2
8.50.020(B)(1-3)	Dissemination of indecent materials to minors	Class B	8.05.020H.2
8.50.040(A-D)	Sexual exploitation of minors	Class A	8.05.020H.1.
8.50.050(A)(1-4)	Contributing to the delinquency of a minor	Class A	8.05.020H.1.
Chapter 8.55 CRUELTY TO ANIMALS			
8.55.010(A)(1-2)	Animal cruelty	Class A	8.05.020H.1.
8.55.015(A)(1-3)	Animal neglect	Class A	8.05.020H.1.
8.55.020(A)(1-4)	Animal fighting	Class A	8.05.020H.1.
8.55.040(A)(1-3)	Trapping of animals	Class A	8.05.020H.1.
8.55.060(A)	Classified animals	Class B	8.05.020H.2
8.55.070(A)	Wolf hybrids	Class B	8.05.020H.2
8.55.090(A)	Harming a police dog	Class A	8.05.020H.1.
Chapter 8.60 GAMBLING			
8.60.030(A)	Engaging in gambling	Class B	8.05.020H.2
8.60.040(A)	Advancing gambling activity	Class B	8.05.020H.2

8.60.050(A)	Permitting gambling on premises	Class B	8.05.020H.2
8.60.060(A)	Possession of gambling device	Class B	8.05.020H.2
Chapter 8.65 PROSTITUTION			
8.65.020(A-B)	Practicing prostitution	Class A	8.05.020H.1.
8.65.030(A)	Soliciting prostitution	Class A	8.05.020H.1.
8.65.040(A)	Offering to secure another for purposes for prostitution	Class A	8.05.020H.1.
8.65.050(A)	Transporting for unlawful purposes of prostitution or assignation	Class A	8.05.020H.1.
8.65.060(A)	Maintaining place of prostitution	Class A	8.05.020H.1.
8.65.070(A)	Owning or leasing place for purpose of prostitution	Class A	8.05.020H.1.
8.65.080(A)	Accepting money from prostitute	Class A	8.05.020H.1.
8.65.090(A)	Remaining in place of prostitution	Class B	8.05.020H.2.
8.65.100(A)	Coercing another to become a prostitute	Class A	8.05.020H.1.
8.65.110(A)	Loitering for purpose of soliciting for prostitution	Class B	8.05.020H.2

C. *Surcharge.* In addition to any penalty prescribed by law, a defendant convicted of violating a city ordinance shall, pay the surcharge required under AS 12.55.039 and AS 29.25.074. All such surcharges collected shall be remitted to the State of Alaska as required by AS 29.25.074.

D. *Forfeitures.* (Reserved)

8.05.030 Attempt.

A. A person who attempts to commit a crime, and in the attempt does any act toward the commission of the crime, but fails, or is prevented or intercepted in the perpetration of the crime, when no other provision is made by law for the punishment of the attempt, is guilty of a misdemeanor upon conviction.

B. Upon conviction of an attempt to commit any crime, the person so convicted may be sentenced to serve no more than half the maximum imprisonment, fine, or both such fine and imprisonment provided by this Code for the crime attempted.

C. This section shall not be construed to protect a person who, in attempting unsuccessfully to commit a crime, accomplishes another or different crime, whether greater or less in guilt, from suffering the punishment prescribed by law for the crime committed.

(AO No. 98-59(S), § 1, 5-19-98)

8.05.040 Parties to crimes.

- A. There shall be no distinction under this Code between an accessory before the fact and a principal, or between principals in the first and second degree. All persons concerned in the commission of a crime, whether they directly commit the act constituting the crime, or whether present at the scene of the crime or not, who aid and abet in its commission, shall be prosecuted, tried and punished as principals.
- B. The parties to crimes under this Code are:
1. Principals.
 2. Accessories after the fact.
- C. Except in cases where a different punishment is prescribed by this Code, an accessory after the fact to any crime prohibited in this Code is punishable upon conviction by up to half the maximum fine, imprisonment, or both such fine and imprisonment provided for the crime committed.

(AO No. 98-59(S), § 1, 5-19-98)

8.05.050 "Child" and "minor" defined. (Repealed)

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

8.05.060 Pretrial diversion program.

- A. The department of law may offer to offenders a settlement diversion in lieu of trial or sentencing. The settlement shall include the offender's waiver of the right to a speedy trial, shall be subject to the maximums set forth in subsections B and C below, and shall be given in exchange for dismissal of the pending charges. Dismissal shall only be effective if there is first complete and timely compliance with the conditions provided in this section.
- B. The department of law may, in its discretion, offer Pretrial Diversion in theft cases according to the following table. "CWS" in the table means Community Work Service performed by reporting to the Municipality's Community Work Service office and paying the required CWS fee.

AMOUNT OF THEFT	MAXIMUM CWS HOURS	MAXIMUM FEE
\$0-\$250	40	\$250
\$251-\$350	56	\$350
\$351-\$500	80	\$500

- C. Pretrial Diversion for offenses other than theft.
1. The department of law may, in its discretion, offer Pre-Trial Diversion for any misdemeanor offense in Title 8, Penal Code,

and Title 9, Vehicles and Traffic, except for the offenses in the following chapters or sections:

- a. Chapter 8.10 Crimes Against Persons.
- b. Chapter 8.25 Weapon Crimes.
- c. Chapter 8.50 Crimes Harmful to Minors.
- d. Chapter 8.60 Gambling.
- e. Chapter 8.65 Prostitution.
- f. Sections 9.28.020 through 9.28.040 governing Operating Under the Influence and related offenses.

2. Pretrial Diversion settlements for offenses other than theft are subject to the following maximum penalties:

- a. Community Work Service hours not to exceed 80 hours;
- b. payment of a fee not to exceed \$500; or
- c. other requirements related to the offense including but not limited to paying restitution, providing proof of a valid driver's license, insurance, tests for Hepatitis and HIV, or any other condition reasonably related to the offense.

(AO No. 2001-145(S-1), § 2, 12-11-01; AO No. 2003-73, § 2, 4-22-03; AO No. 2010-81(S-1), § 45, 12-7-10, eff. 1-1-11)

8.05.100 Definitions. (Repealed)

(AO No. 2011-110, § 1, 11-8-11)

Chapter 8.10 OFFENSES AGAINST PERSONS*

8.10.010 Assault.

- A. It is unlawful for any person to commit an assault.
- B. A person commits an assault if:
 1. That person recklessly causes physical injury to another person;
 2. With criminal negligence that person causes physical injury to another person by means of a dangerous instrument;
 3. By words or other conduct that person recklessly places another person in fear of imminent physical injury; or
 4. That person recklessly uses words or other conduct which places a family member in reasonable fear of imminent physical injury or death to that family member or another person, provided however, this subsection does not prohibit lawful discipline of a minor by a parent or another person with lawful

physical custody or control of a minor.

C. A peace officer without a warrant may arrest a person if the peace officer has probable cause to believe the person has, either in or outside the presence of the officer, committed a crime involving domestic violence as defined in AMC 8.05.015.4 and AS 18.66.990.

D. It is unlawful when an assault is committed against the person of a police officer, firefighter, paramedic or animal control officer and the person committing the offense knows or reasonably should know that such victim is a police officer, firefighter, paramedic or animal control officer engaged in the performance of official duties.

E. Violation of this section is a class A misdemeanor.

(AO No. 79-24; AO No. 85-209; AO No. 93-41; AO No. 97-66, § 1, 5-6-97; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2011-110, § 2, 11-8-11)

8.10.020 Stalking.

A. It is unlawful for any person to commit the offense of stalking.

B. A person commits the crime of stalking if the person knowingly engages in a course of conduct that recklessly places another person in fear of death or physical injury, or in fear of the death or physical injury of a family member.

C. In this section, the following terms shall have the meaning given in this subsection:

1. *Course of conduct* means repeated acts of non-consensual contact involving the victim or a family member.

2. *Device* includes software.

3. *Family member* has the meaning set forth in section 8.05.015.

4. *Non-consensual contact* means any contact with another person that is initiated or continued without that person's consent, that is beyond the scope of the consent provided by that person, or that is in disregard of that person's expressed desire that the contact be avoided or discontinued. The term "non-consensual contact" includes, but is not limited to:

a. Following or appearing within the sight of that person;

- b. Approaching or confronting that person in a public place or on private property;
- c. Appearing at the workplace or residence of that person;
- d. Entering onto or remaining on property owned, leased or occupied by that person;
- e. Contacting that person by telephone;
- f. Sending mail or electronic communications to that person;
- g. Placing an object on, or delivering an object to, property owned, leased or occupied by that person;
- h. Following or monitoring that person with a global positioning device or similar technological means; or
- i. Using, installing, or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal electronic device or equipment used by that person.

5. *Victim* means a person who is the target of a course of conduct.

D. Violation of this section is a class A misdemeanor.

(AO No. 93-200, § 1, 2-3-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.10.030 Abuse of a child or vulnerable adult.

- A. It is unlawful for any person to commit child abuse or abuse of a vulnerable adult.
- B. A person commits child abuse or abuse of a vulnerable adult if the person intentionally, knowingly, recklessly, or negligently causes or permits a child or vulnerable adult to be tortured; cruelly confined; cruelly punished or physically injured.
- C. In this section, "vulnerable adult" has the meaning in AS 47.24.900. All words and phrases in this section that are defined therein shall have

the meaning set forth in AS 47.24.900.

D. It is an affirmative defense to abuse of a child in Subsection B that the action was taken as "reasonable parental discipline."

E. "Reasonable parental discipline" is action taken for the purpose of safeguarding the child or promoting the child's moral, social, or cultural welfare. Factors to be considered in determining whether the action constituted reasonable parental discipline are:

1. Age of the child;
2. Condition of the child;
3. Type of misconduct;
4. Kind of punishment inflicted;
5. Degree of harm or pain to the child;
6. Options that existed;
7. Apparent motive of the parent; and
8. Cultural perspective of the parties.

F. Actions which are prima facie unreasonable are:

1. Scalding, branding, or burning of a child;
2. Injuries that require or reasonably should have required medical treatment;
3. Withholding of food for more than one meal;
4. Injuries located on multiple body sites;
5. Conduct likely to cause serious or permanent harm;
6. Conduct that is significantly disproportionate;
7. Conduct designed to torture or cruelly punish;
8. Injuries to face or head; and
9. Shaking a child under five years of age.

G. Violation of this section is a class A misdemeanor.

(CAC 8.47.010; AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 1, 10-

16-00; AO No. 2003-73, § 3, 4-22-03)

8.10.040 Neglect of a Child or Vulnerable Adult.

- A. It is unlawful for any person to commit neglect of a child or vulnerable adult.
- B. A person commits the crime of neglect of a child or vulnerable adult if the person intentionally, knowingly, recklessly or negligently causes or permits the child or vulnerable adult;
 - 1. To live in an unsanitary environment;
 - 2. To be without reasonable food, shelter or clothing;
 - 3. To be in a place under circumstances creating a substantial risk of injury to the child or vulnerable adult;
 - 4. To be exposed to a controlled substance as defined by AS 11.71.140-.190;
 - 5. To be left with someone who lacks the maturity, responsibility, or judgment to provide adequate care;
 - 6. To be abandoned; or
 - 7. To be inadequately supervised due to the demonstrated inability or unwillingness of the adult responsible for care of the child or vulnerable adult at the time of the incident due to intoxication, addiction, or other circumstance.
- C. In this section, "vulnerable adult" has the meaning in AS 47.24.900. All words and phrases in this section that are defined therein shall have the meaning set forth in AS 47.24.900.
- D. Violation of this section is a class A misdemeanor.

(AO No. 2000-95, § 4, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

8.10.050 Family violence.

- A. It is unlawful for any person to commit the crime of family violence.
- B. A person commits the crime of family violence when the person commits the crime of assault as defined in Section 8.10.010 with knowledge or reckless disregard of the presence of a child or children.
- C. Violation of this section is a class A misdemeanor.

(AO No. 2000-95, § 5, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

8.10.060 Contributing to the delinquency of a minor. (Repealed)

(AO No. 2000-95, § 6, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

Editor's note: AO 2014-___ rewrote this section and relocated it to section 8.50.050.

8.10.070 Enticement.

A. It is unlawful for any person, with the intent to commit a crime, to contact another person and entice or attempt to entice that person to enter an automobile, building, bushes, wooded or secluded area, or public or private premises.

B. Violation of this section is a class A misdemeanor.

(GAAB 18.05.010.M; AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 2, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

Editor's note: Formerly Section 8.10.040.

8.10.080 Indecent exposure or exhibition.

A. It is unlawful for any person:

1. To knowingly expose the person's genitals in the presence of another person under 16 years of age with reckless disregard for the offensive, insulting, or frightening effect the act may have.
2. To knowingly expose the person's genitals in the presence of another person over 16 years of age with reckless disregard for the offensive, insulting, or frightening effect the act may have.

B. Violation of subsection A.1. is a class A misdemeanor. Violation of subsection A.2. is a class B misdemeanor.

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 2, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

Editor's note: Formerly Section 8.10.050.

8.10.090 Illegal use of telephone or electronic communication.

A. It is unlawful for any person, anonymously or otherwise, by telephone or electronic communication, to:

1. Telephone another person and fail to terminate the connection with intent to harass and impair the ability of that person to place or receive telephone calls or electronic communications;

2. Make repeated and unwanted contact with the intent to harass the recipient or that person's family member;
3. Make a telephone call or electronic communication with the intent to harass the recipient or that person's family member that is unreasonably abusive and offensive to the recipient; or
4. Make any threat during a telephone call or electronic communication which recklessly places the recipient in fear of injury or death or in fear that another will suffer injury or death.

B. Violation of this section is a class B misdemeanor.

(AO No. 82-134; AO No. 89-52; AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 3, 10-16-00; AO No. 2002-149, § 1, 10-15-02; AO No. 2003-73, § 3, 4-22-03; AO No. 2004-62, § 1, 3-16-04)

Editor's note: Formerly Section 8.10.060.

8.10.100 Reckless endangerment.

A. It is unlawful for any person to recklessly engage in conduct which creates a substantial risk of serious physical injury to another person.

B. Violation of this section is a class A misdemeanor.

8.10.110 Harassment.

A. It is unlawful for any person, with intent to harass or annoy another person, to:

1. insult, taunt, or challenge another person in a manner likely to provoke an immediate violent response;
2. except as provided in Chapter 8.50, publish or distribute electronic or printed photographs, pictures, or films that show the genitals, anus, or female breast of the other person or show that person engaged in a sexual act;
3. subject another person to offensive physical contact;
4. subject another person to offensive physical contact and the offensive physical contact is touching through the clothing another person's genitals, buttocks, or female breast; or
5. subject another person to offensive physical contact and the offensive physical contact is contact with human or animal blood, mucus, saliva, semen, urine, vomitus, or feces.

- B. Violation of subsections A.1. through A.3. is a class B misdemeanor.
Violation of subsections A.4 or A.5 is a class A misdemeanor.

Chapter 8.15 THEFT OFFENSES

8.15.010 Theft defined; penalties.

- A. A person commits theft if:

1. With the intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another; or
2. The person commits theft of lost or mislaid property under Section 8.15.020; or
3. The person commits theft by deception under Section 8.15.030; or
4. The person commits theft of services under Section 8.15.040; or
5. The person commits theft by shoplifting under Section 8.15.050; or
6. The person commits theft by failure to make required disposition of funds received or held under Section 8.15.060; or
7. The person commits theft by receiving under Section 8.15.070; or
8. The person commits theft by misapplication of property under Section 8.15.080.

- B. *Penalties.* The crime of theft as defined in AMC 8.15.010A. is punishable:

1. as a class B misdemeanor if the value of the property or services is \$5.00 or more but less than \$50.00, or the property is shoplifted merchandise that is an alcoholic beverage with value less than \$50.00.
2. as a class A misdemeanor
 - a. if the value of the property or services is \$50.00 or greater; or
 - b. if the value of the property is less than \$50 and, within the past five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of theft or concealment of

merchandise, or an offense under another law or ordinance with similar elements.

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2009-122, § 1, 12-17-09)

8.15.020 Theft of lost or mislaid property.

- A. A person commits theft of lost or mislaid property if the person obtains property of another knowing that the property was lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient and the person fails to take reasonable measures to restore the property to the owner with intent to deprive the owner of the property.
- B. As used in this section, "reasonable measures" includes notifying the identified owner or peace officer.
- C. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.

(AO No. 91-140; AO No. 98-59(S), § 1, 5-19-98)

8.15.030 Theft by deception.

- A. A person commits theft by deception if, with intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another by deception.
- B. In a prosecution based on theft by deception, if the municipality seeks to prove that the defendant used deception by promising performance which the defendant did not intend to perform or knew would not be performed, that intent or knowledge may not be established solely by or inferred solely from the fact that the promise was not performed.
- C. As used in this section, "deception" has the meaning ascribed to it in AS 11.81.900 but does not include falsity as to matters having no pecuniary significance or "puffing" by statements unlikely to deceive reasonable persons in the group addressed.
- D. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.

(GAAB 18.05.010.KK; AO No. 98-59(S), § 1, 5-19-98)

8.15.040 Theft of services.

- A. A person commits theft of services if;

1. The person obtains services known by that person to be available only for compensation by deception, force, threat, or other means to avoid payment for the services; or
 2. Having control over the disposition of services to which the person is not entitled, the person knowingly diverts those services to the person's own benefit or to the benefit of another not entitled to them; or
 3. The person obtains the use of computer time, a computer system, a computer program, a computer network, or any part of a computer system or network, with reckless disregard that the use by that person is unauthorized.
- B. Absconding without paying for hotel, restaurant, or other services for which compensation is customarily paid immediately upon the receiving of them is prima facie evidence that the services were obtained by deception.
- C. A person may not be prosecuted under this section for theft of cable, microwave, subscription, or pay television or other telecommunications service if the service was obtained through the use of a device designed and used to intercept electromagnetic signals directly from a satellite, including a device commonly referred to as a home earth station.
- D. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.

(GAAB 18.05.160; AO No. 98-59(S), § 1, 5-19-98)

8.15.050 Theft by shoplifting.

- A. *Removal of merchandise.* A person commits the crime of removal of merchandise if that person knowingly takes or removes any merchandise or thing of value from the premises where such merchandise or thing of value is kept for purposes of sale, barter or storage with the intent to unlawfully appropriate the merchandise or to deprive the owner or person lawfully entitled to its possession.
- B. *Concealment of merchandise.* A person commits the crime of concealment of merchandise if that person knowingly conceals upon or about the person, with the intent to conceal it from the property owner or their agent or employee, any unpaid merchandise or thing of value while upon the premises where such merchandise or thing of value is kept for the purposes of sale, barter or storage.
- C. *"Consent" defined.* As used in this section, the term "consent" shall

mean express consent, or consent implied by possession of a sales ticket, slip or receipt issued for and accompanied by the article of merchandise or thing of value.

- D. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.

(GAAB 18.05.040; AO No. 89-52; AO No. 98-59(S), § 1, 5-19-98)

8.15.060 Theft by failure to make required disposition of funds received or held.

- A. A person commits theft by failure to make required disposition of funds received or held if

1. the person obtains property from anyone or personal services from an employee upon an agreement or subject to a known legal obligation to make specified payment or other disposition to a third person, whether from that property or its proceeds or from the person's own property to be reserved in equivalent amount; and
2. exercises control over the property or services as the person's own and fails to make the required payment or disposition.

- B. It is not a defense to a prosecution based on theft by failure to make required disposition of funds received or held that it may be impossible to identify particular property as belonging to the victim at the time of the defendant's failure to make the required payment or disposition.

- C. In a prosecution based on theft by failure to make required disposition of funds received or held, the fact that the defendant was a fiduciary or an officer or employee of a government or a financial institution is prima facie evidence

1. That the defendant exercised control over property or services as the defendant's own if the defendant failed to pay or account upon lawful demand or if an audit reveals a shortage or falsification of accounts; and
2. That the defendant knew of any legal obligation relevant under subsection A.1.

- D. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.

8.15.070 Theft by receiving.

- A. A person commits theft by receiving if the person buys, receives,

retains, conceals, or disposes of stolen property with reckless disregard that the property was stolen.

B. As used in this section, "receives" includes acquiring possession, control, or title, or lending on the security of the property.

C. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.

8.15.080 Misapplication of property.

A. A person commits the crime of misapplication of property if the person knowingly misapplies property that has been entrusted to that person as a fiduciary or that is property of the government or a financial institution.

B. It is not a defense to a prosecution under this section that it may be impossible to identify particular property as belonging to the victim at the time of the defendant's misapplication.

C. For purposes of this section, "misapply" means to deal with or dispose of property contrary to

1. law;
2. a judicial rule or order; or
3. the obligations of a fiduciary relationship.

D. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.

Chapter 8.20 OFFENSES AGAINST PROPERTY

8.20.010 Criminal mischief.

A. It is unlawful for any person, having no right to do so or any reasonable ground to believe the person has such a right, to

1. Damage property of another in an amount of \$50 or more with intent to do so; or
2. Tamper with a fire protection device in a building that is in a public place; or
3. Knowingly access a computer, computer system, computer program, computer network, or part of a computer system or network; or
4. Uses a device to descramble an electronic signal that has been scrambled to prevent unauthorized receipt or viewing of the signal unless the device is used only to descramble signals

received directly from a satellite or unless the person owned the device before September 18, 1984; or

5. Knowingly remove, relocate, deface, alter, obscure, shoot at, destroy, or otherwise tamper with an official traffic control device or damage the work upon a highway under construction; or

6. With reckless disregard for the risk of harm to or loss of the property or with intent to cause substantial inconvenience to another, tamper with the property of another; or

7. Damage property of another in an amount of less than \$50 with intent to do so; or

8. Ride in a propelled vehicle knowing that it has been stolen or that it is being used in violation of AS 11.46.360 or AS 11.46.365(a)(1).

B. Violation of subsections A.1 through A.5 above is a class A misdemeanor.

C. Violation of subsections A.6 through A.8 above is a class B misdemeanor.

8.20.020 Vehicle tampering.

A. It is unlawful for any person to intentionally:

1. Injure or tamper with any motor vehicle or the contents thereof, or to break or remove any part of a vehicle, without the consent of the owner; or

2. With the intent to commit a crime, climb into or upon a motor vehicle; or

3. With the intent to commit a crime, attempt to manipulate or actually manipulate any mechanism or device which is part of a motor vehicle; or

4. With the intent to commit a crime, set in motion any vehicle.

B. Violation of this section is a class B misdemeanor.

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.20.030 Criminally negligent burning.

A. It is unlawful for any person, with criminal negligence, to damage property of another by fire or explosion

8.20.035 Failure to control or report a dangerous fire.

2. The fire was started by the person, with the person's consent, or on property in the person's custody or control.

**8.20.040 Destruction or disconnect of communication equipment.
(Repealed)**

Section 2. Anchorage Municipal Code chapter 8.25, Weapon Crimes, is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

8.25.010 Possession of weapon with intent to assault.

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

a. When contacted by a peace officer, the person shall:

- i. immediately inform the peace officer of that possession; and
- ii. allow the peace officer to secure the **deadly weapon** [FIREARM] or secure the **weapon** [FIREARM] at the direction of the peace officer, during the duration of the contact;

- b. The possession of the concealed **deadly weapon** [FIREARM] is not within the residence of another person, unless the person has first obtained the express permission of an adult residing in the residence to bring a concealed **deadly weapon** [FIREARM] within the residence.

- [2. A SWITCHBLADE KNIFE, GRAVITY KNIFE OR ANY KNIFE OTHER THAN AN ORDINARY FOLDED POCKET KNIFE (ONE WHICH HAS THE BLADE STORED IN THE HANDLE AND REQUIRES THE BEARER TO PHYSICALLY PULL THE BLADE FROM THE HANDLE BEFORE IT CAN BE USED), OR A DIRK OR DAGGER;]
- [3. A SLINGSHOT, METAL KNUCKLES, CLUB, BILLY, BLACKJACK OR ANY OTHER INSTRUMENT OR THING THE PRINCIPAL PURPOSE OR USE OF WHICH IS AS A WEAPON;]
- [4. ANY OTHER INSTRUMENT OR THING WHICH, BECAUSE OF THE MANNER IN WHICH IT IS CONCEALED AND THE ACCOMPANYING CIRCUMSTANCES, COULD REASONABLY BE CONSTRUED AS BEING KEPT AS A WEAPON OR IN ORDER TO ACHIEVE SOME VIOLENT PURPOSE, AND BY WHICH INJURY COULD BE INFLICTED UPON THE PERSON OF ANOTHER.]

- C. Nothing in this section shall be construed to prohibit an individual who may legally possess a **deadly weapon** [FIREARM] under state and federal law from:
 1. Carrying a **deadly** weapon in a vehicle so long as the weapon is not also concealed on the person of an occupant of the vehicle; or
 2. Storing a **deadly weapon** [FIREARM] locked in an individual's motor vehicle while the motor vehicle is otherwise legally parked.
- D. Violation of this section is a class B misdemeanor [SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$2,000.00 OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH SUCH FINE AND IMPRISONMENT]. In addition, the weapon shall be forfeited to the Municipality of Anchorage.

(AO No. 89-52; AO No. 94-72(S-1), § 1, 4-26-94; AO No. 94-171, § 1, 10-1-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2006-39, § 1, 4-11-06)

8.25.030 Unlawful use or possession [DISCHARGE] of firearms.

A. It is unlawful for any person to knowingly:

2. possess on the person, in the interior of a vehicle in which the person is present, [HAVE IN HIS POSSESSION OR UNDER HIS CONTROL], or use or discharge, a firearm while such person is under the influence of intoxicating liquor or a controlled substance as defined in AS 11.71.900 [LISTED UNDER AS 11.71.140 THROUGH 11.71.190].

C. Violation of this section is a class B misdemeanor [SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$10,000.00 OR IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH SUCH FINE AND IMPRISONMENT]. In addition, the firearm shall be forfeited to the Municipality of Anchorage. If the conviction under Subsection A. of this section is for the discharge of a firearm from a vehicle, the court may order forfeiture of the defendant's interest in the vehicle to the municipality in addition to any other penalties.

(GAAB 18.05.010.D; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.25.040 Drive-by shooting. (Repealed)

[A. A PERSON COMMITS THE OFFENSE OF A DRIVE-BY SHOOTING IF THE PERSON:

1. INTENTIONALLY, KNOWINGLY, OR RECKLESSLY DISCHARGES A FIREARM INTO OR AT AN OCCUPIABLE DWELLING FROM A MOTOR VEHICLE;
2. INTENTIONALLY, KNOWINGLY, OR RECKLESSLY DISCHARGES A FIREARM INTO AN OCCUPIED OR UNOCCUPIED MOTOR VEHICLE FROM ANOTHER MOTOR VEHICLE; OR
3. DRIVES OR OPERATES A MOTOR VEHICLE FROM WHICH A FIREARM IS DISCHARGED INTO AN OCCUPIABLE DWELLING OR AN OCCUPIED OR UNOCCUPIED MOTOR VEHICLE WITH THE INTENT TO AID THE DISCHARGE, OR WITH KNOWLEDGE OR RECKLESS DISREGARD THAT SUCH ACTION WILL OCCUR.]

[B. IT IS PRIMA FACIE EVIDENCE THAT A PERSON DROVE OR OPERATED A MOTOR VEHICLE WITH THE REQUISITE MENTAL STATE IF, AFTER THE FIREARM IS DISCHARGED, THE PERSON DOES NOT IMMEDIATELY STOP THE PERSON'S MOTOR VEHICLE AND:

1. IMMEDIATELY BY THE QUICKEST MEANS OF COMMUNICATION, GIVE NOTICE OF SUCH DISCHARGE TO THE POLICE DEPARTMENT ALONG WITH THE PERSON'S NAME AND ADDRESS;
2. ASCERTAIN WHETHER ANY PERSON HAS BEEN INJURED AS A RESULT OF THE DISCHARGE; AND
3. RENDER REASONABLE ASSISTANCE TO ANY PERSON INJURED DUE TO THE DISCHARGE, INCLUDING CARRYING OR MAKING ARRANGEMENTS

1. A **deadly weapon** [REVOLVER, PISTOL OR OTHER FIREARM], except a person who is [OVER] 21 years of age **or older**, and who is not a preschool, elementary school, junior high, or secondary school student, may possess
 - a. **a deadly weapon, other than a loaded firearm, [AN UNLOADED FIREARM]** in the trunk of a motor vehicle or

b. **a defensive weapon.**

- B. Subsection A. of this section shall not apply to peace officers or persons who have express authorization of the school district superintendent or his designee or, in the case of a private or religious school, express authorization of the chief administrative officer of that school.

* * *

- (AO No. 90-122; AO No. 93-56(S); AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2006-39, § 3, 4-11-06)

A. It is unlawful for any person to knowingly possesses a firearm

1. within the grounds of or on a parking lot immediately adjacent to an entity, other than a private residence, licensed as a child care facility under AS 47.32 or recognized by the federal government for the care of children, except that a person 21 years of age or older may possess an unloaded firearm in the trunk of a motor vehicle or encased in a closed container of a motor vehicle; or
2. within a domestic violence or sexual assault shelter that receives funding from the state, unless the person has been authorized in writing by the administrator of the shelter to possess the firearm.

- C. Violation of this section is a class B misdemeanor.

* * *

**8.25.090 Sale or furnishing of firearms, switchblades or gravity
knives to minors.**

A. A person may not knowingly:

1. sell a firearm or defensive weapon to a **person [MINOR]** under 18 years of age; **or**
2. **sell or transfer a switchblade or a gravity knife to a person under 18 years of age without the prior written consent of the person's parent or guardian.**

B. Violation of this section is a class A misdemeanor [SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$10,000.00 OR IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH SUCH FINE AND IMPRISONMENT].

(GAAB 18.05.060; AO No. 94-22, § 1, 2-15-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2006-39, § 5, 4-11-06)

Section 3. Anchorage Municipal Code chapter 8.30, Crimes Against Public Order, is hereby repealed in its entirety and reenacted to read as follows (The current text of chapter 8.30 being repealed is attached with Exhibit A, in accordance with AMC section 1.05.050B.):

Chapter 8.30 OFFENSES AGAINST PUBLIC ORDER

8.30.010 Resisting or interfering with peace officer.

A. A person commits the crime of resisting or interfering with a peace officer when

1. The person intentionally, recklessly, or knowingly delays or obstructs the person's own arrest by the use of force;
2. The person intentionally, recklessly, or knowingly delays or obstructs the arrest of another by the use of force;
3. The person intentionally, recklessly, or knowingly delays or obstructs the person's arrest by fleeing, hiding, engaging in a stand-off, or barricading himself or herself;
4. The person intentionally, recklessly, or knowingly delays or obstructs a police officer's active investigation of a crime by fleeing after having been told to stop;
5. The person intentionally, recklessly or knowingly resists, obstructs or interferes with the lawful efforts of any firefighter or paramedic in the discharge or attempted discharge of an official duty;
6. The person intentionally, recklessly or knowingly disobeys the lawful orders of any public officer;

7. The person intentionally or recklessly engages in conduct which delays or prevents a fire from being timely extinguished or emergency services from being provided;

8. The person intentionally, recklessly, or knowingly injures, destroys, takes or attempts to take personal property from the custody of any public officer or person which is possessed by process of law; or

9. The person intentionally, knowingly, or recklessly takes or attempts to take a firearm or other weapon or service-issued item from the custody of any public officer.

B. For the purposes of this section, the term "public officer" means any police officer, firefighter or fire department official, paramedic, animal control officer, or any other public official engaged in law enforcement duties at the time of the offense.

C. Violation of subsections A.1. through A.8. is a class B misdemeanor. Violation of subsection A.9. is a class A misdemeanor.

(AO No. 82-126; AO No. 89-52; AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 9, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

8.30.015 Failure or refusal to comply with official orders during emergency proclamation.

A. No person may knowingly fail or refuse to comply with the orders or regulations established by emergency proclamation, or the lawful orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized in Sections 3.80.030 through 3.80.080.

B. Violation of this section is a class B misdemeanor.

8.30.020 False information or report.

A. A person commits the crime of false information or report if the person knowingly

1. Gives false information to a peace officer

a. with the intent of implicating another person in an offense; or

b. concerning the person's identity while the person is
i. under arrest, detention or investigation for a crime;
or
ii. being served with an arrest warrant or being issued a citation;

2. Makes a false report to a peace officer that a crime has occurred or is about to occur; or
3. Makes a false report or gives a false alarm that a fire or other incident dangerous to life or property calling for an emergency response has occurred or is about to occur.

B. Violation of this section is a class A misdemeanor.

(GAAB 18.05.030; AO No. 82-134; AO No. 89-124; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.30.030 Escape or attempt to escape.

A. It is unlawful for any person to knowingly escape or attempt to escape from the detention or custody of a peace officer or from a jail or institution in which the person is detained by a peace officer or confined by direction of a court, or from custody under process issued by a court.

B. It is unlawful for any person to knowingly aid or assist a person in an escape or attempted escape as defined in this section.

C. Violation of this section is a class A misdemeanor.

(AO No. 94-130, § 1, 9-20-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.30.040 Failure to report escape. (Repealed)

(AO No. 94-130, § 2, 9-20-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; *insert this AO no. and effective date*)

8.30.050 False information. (Repealed)

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-175(S), § 1, 10-30-01; AO No. 2003-73, § 3, 4-22-03; *insert this AO no. and effective date*)

8.30.060 False bomb report. (Repealed)

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-175(S), § 1, 10-30-01)

8.30.070 Impersonation of public servant.

A. A person commits the crime of impersonation of a public servant if the person pretends to be a public servant and purports to exercise the authority of a public servant in relation to another person.

- 1 B. It is not a defense to a prosecution under this section that
2
3 1. the office the defendant pretended to hold did not in fact exist;
4 or
5
6 2. the defendant was in fact a public servant different than the one
7 the defendant pretended to be.
8
9 C. This section does not apply to a peace officer acting within the scope
10 and authority of the officer's employment.
11
12 D. Violation of this section is a class B misdemeanor.

13
14 (AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)
15

16 **8.30.075 Impersonating paramedic or emergency medical**
17 **technician.**
18

- 19 A. No person may impersonate, hold oneself to other persons as or refer
20 to oneself as an emergency paramedic, paramedic or mobile intensive
21 care paramedic unless the person is certified as a mobile intensive
22 care paramedic under the terms of chapter 16.95.
23
24 B. No person may impersonate, hold oneself to other persons as or refer
25 to oneself as an emergency medical technician or EMT unless the
26 person is certified as an emergency medical technician under the terms
27 of chapter 16.95.
28
29 C. Violation of this section is a minor offense punishable as set forth on
30 the minor offenses fine schedule.
31

32 (AO No. 77-348A)
33

34 **8.30.080 Tampering with official proceedings.**
35

- 36 A. A person commits the crime of tampering with official proceedings if:
37
38 1. The person intentionally destroys, alters, conceals, or withholds
39 any item knowing such item is relevant to a criminal investigation
40 or trial;
41
42 2. The person renders assistance to a person who has committed
43 a crime with the intent to hinder the apprehension, prosecution,
44 conviction or punishment of that person;
45 a. For the purposes of this section, "renders assistance" is
46 defined in accordance with AS 11.56.770(b).
47
48 3. The person knowingly induces or attempts to induce a witness
49 to testify falsely, offer misleading testimony, or withhold
50 testimony or evidence in an official proceeding;

4. The person knowingly induces or attempts to induce a witness to be absent from a judicial proceeding to which the witness has been summoned or subpoenaed.

5. The person harms or threatens harm to the person or property of another with the intent to influence the testimony of a witness or retaliate against a witness for testifying, or to influence or retaliate against a juror.

6. The person makes a false statement which the person does not believe to be true under oath in a municipal criminal case.

a. Retraction as set forth in AS 11.56.235 is a defense to subsection A.6. of this section.

B. Violation of this section is a class A misdemeanor.

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.30.090 Failure to appear.

A. It is unlawful for any person charged with violating any provision of this Code, which violation is punishable as a crime, to fail to appear for any arraignment, hearing, trial or other court appearance which pertains to such charge after having been given proper notice in person or through authorized counsel.

B. Violation of this section is a class B misdemeanor.

(AO No. 80-92; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.30.100 Solicitation of illegal act.

A. It is unlawful to knowingly solicit a person for the purpose of committing any illegal act.

B. Violation of this section is a class B misdemeanor.

(GAAB 18.05.010.R; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.30.105 Violating a protective order.

A. A person commits the crime of violating a protective order if the person is subject to a protective order

1. issued or filed under AS 18.66 and containing a provision listed in AS 18.66.100(c)(1) - (7) and knowingly commits or

attempts to commit an act with reckless disregard that the act
violates or would violate a provision of the protective order;

2. issued under AS 18.65.850, 18.65.855, or 18.65.860 and
knowingly commits or attempts to commit an act that violates
or would violate a provision listed in AS 18.65.850(c)(1) - (3);
or

3. issued under AS 13.26.207 - 13.26.209 and knowingly
commits or attempts to commit an act with reckless disregard
that the act violates or would violate a provision of the
protective order.

B. Violation of this section is a class A misdemeanor.

C. In this section, "protective order" means an order issued or filed
under AS 13.26.207- 13.26.209, AS 18.65.850 - 18.65.870, or AS
18.66.100 - 18.66.180.

**8.30.107 Interfering with a report of a crime involving domestic
violence.**

A. A person, other than the victim, commits the crime of interfering with a
report of a crime involving domestic violence if the person knowingly
interferes with another person who is reporting or attempting to report a
crime involving domestic violence to a law enforcement agency.

B. Violation of this section is a class A misdemeanor.

(AO No. 2000-95, § 8, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

Editor's note: formerly titled "Destruction or disconnect of communication
equipment.

8.30.110 Violation of conditions of release.

A. It is unlawful for any person charged with any criminal offense to
knowingly violate or fail to adhere to any restrictions on travel,
association, place of abode, or any other restriction or condition of
release, with or without bail, imposed by any court in connection with
such charge.

B. Violation of this section is a class B misdemeanor.

(AO No. 94-203, § 1, 12-13-94; AO No. 98-59(S), § 1, 5-19-98; AO No.
2003-73, § 3, 4-22-03)

8.30.115 Unlawful contact.

A. A person commits the crime of unlawful contact in the first degree if
the person

1. has been ordered
 - a. by the court not to contact a victim or witness of the offense
 - (i) as part of a sentence imposed under AS 12.55.015;
 - (ii) as a condition of release under AS 12.30 or probation under AS 12.55.101; or
 - (iii) while under official detention; or
 - b. as a condition of parole not to contact a victim or witness of the offense under AS 33.16.150; and
2. either directly or indirectly, knowingly contacts or attempts to contact the victim or witness in violation of the order.

B. A person commits the crime of unlawful contact in the second degree if

1. the person is arrested for a crime against a person or a crime involving domestic violence; and
2. has a charge pending for that crime; and
3. has been ordered not to contact a victim or witness of the offense by any court in connection with such a charge; and
4. either directly or indirectly, knowingly contacts or attempts to contact the victim or witness in violation of the court order.

C. Violation of subsection A, unlawful contact in the first degree, is a class A misdemeanor. Violation of subsection B., unlawful contact in the second degree, is a class B misdemeanor.

(AO No. 2006-116, § 1, 9-29-06)

8.30.120 Disorderly conduct.

A. It is unlawful for any person to:

1. Knowingly engage in consensual sexual penetration, as defined in AS 11.81.900(b), in a public place or a place reasonably exposed to public view.
2. Knowingly generate loud noise in a public place with the intent to disturb others or in reckless disregard of the peace and privacy of others.

3. Knowingly generate loud noise in a private place with the intent to disturb others or in reckless disregard of the peace and privacy of others after having been informed that the loud noise is disturbing the peace and privacy of others not in the same place.
4. Knowingly look or peep into an enclosed area for the purpose of observing another person who has a reasonable expectation of privacy therein. As used in this subsection, the term "enclosed area" includes but is not limited to tanning booths, dressing rooms, toilets, and washrooms.
5. Knowingly refuse to comply with a lawful order of the police to disperse in a public place when a criminal offense has occurred.
6. Knowingly challenge another to fight, or engage in fighting other than in self-defense.
7. Knowingly or recklessly create a hazardous condition for others.
8. Intentionally or knowingly spit on, or otherwise transfer blood, saliva, urine, feces, or vomitus onto a public servant.

B. For purposes of this section, the term:

1. Loud noise, in a private place, means noise which is loud enough to awaken the average person sleeping in a place other than the private place. If the loud noise constitutes speech, the content of speech or evidence of specific words used by the defendant is admissible in evidence against the defendant only as permitted by court rule.
2. Loud noise, in a public place, means noise which is loud enough to inhibit the ability of the average person in the same place to converse freely without leaving the public place.
3. Public place means a place where the public is permitted to assemble, enter or pass through, whether publicly or privately maintained, including but not limited to places of accommodation, transportation, business and entertainment, or any other place which is not a private place.

C. Violation of this section is a class B misdemeanor.

(GAAB 18.05.010; AO No. 89-52; AO No. 95-149(S), § 1, 11-2-95; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.30.125 Pedestrian interference.

A. The following definitions apply in this section:

1
2 1. *"Obstruct pedestrian or vehicular traffic"* means to walk, stand,
3 sit, lie, or place an object in such a manner as to block passage
4 by another person or a vehicle which such other person or
5 vehicle has a right to make, or to require another person or a
6 driver of a vehicle to take evasive action to avoid physical
7 contact. Acts authorized as an exercise of one's constitutional
8 rights, and acts authorized pursuant to a sidewalk encroachment
9 permit under Section 24.30.020, a right-of-way special activity
10 permit under regulation Section 9.14.004, or a parade permit
11 under regulation Chapter 9.36. shall not constitute obstruction of
12 pedestrian or vehicular traffic.

13
14 2. *"Public place"* means a place to which the public or a substantial
15 group of persons has access and includes, but is not limited to,
16 streets, highways, sidewalks, alleys, transportation facilities,
17 parking areas, convention centers, sports arenas, schools,
18 plazas, parks, and playgrounds.

19
20 B. It is unlawful for any person to, in a public place, intentionally and
21 substantially obstruct pedestrian or vehicular traffic.

22
23 C. Violation of this section is a class B misdemeanor.

24
25 (AO No. 2011-112, § 2, 11-22-11, eff. 12-22-11)

26
27 **8.30.130 Unlawful operation of an unlicensed nightclub. (Repealed)**

28
29 (AO No. 98-160, § 1, 12-8-98; AO No. 2003-73, § 3, 4-22-03; *insert this AO*
30 *no. and effective date*)

31
32 **8.30.140 Abuse of third party appointment.**

33
34 A. It is unlawful for any person to:

- 35 1. Intentionally, knowingly, or recklessly make a false statement to
36 the court while being examined regarding the duties of a third-
37 party custodian;
38 2. Intentionally, knowingly, or recklessly fail to comply with the
39 conditions set by the court on the third-party appointment; or
40 3. Intentionally, knowingly, or recklessly fail to immediately report
41 that the defendant has violated any condition of the defendant's
42 release.

43
44 B. Violation of this section is a class B misdemeanor.

45
46 (AO No. 2000-95, § 10, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

47
48 **8.30.150 Failure to remand.**

49

A. It is unlawful for any person to intentionally, knowing, or recklessly fail to report to serve a jail sentence as ordered by the court.

B. Violation of this section is a class B misdemeanor.

(AO No. 2000-95, § 10, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

8.30.160 Aggressive panhandling.

A. As used in this section, *panhandling* has the meaning provided in section 14.70.160.

B. It shall be unlawful to engage in an act of panhandling in an aggressive manner as set forth in 1. through 6. of this subsection:

1. Touching the solicited person without the solicited person's consent;
2. Panhandling a person while such person is standing in line and waiting to be admitted to a commercial or public establishment;
3. Blocking the path of a person being solicited, or the entrance to any building or vehicle;
4. Persisting in closely following or approaching a person, after the person solicited has informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor;
5. Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or coerced to make a donation; or
6. Panhandling in a group of two or more persons.

C. Violation of this section is a class B misdemeanor.

(AO No. 2004-109, § 1, 8-17-04; AO No. 2011-112, § 3, 11-22-11, eff. 12-22-11)

8.30.170 Unsworn falsification.

A. A person commits the crime of unsworn falsification if, with the intent to mislead a public servant in the performance of a duty, the person submits a false written or recorded statement that the person does not believe to be true

1. in an application for a benefit; or

2. on a form bearing notice, authorized by law, that false statements made in it are punishable.

B. In this section, AS 11.56.220, AS 11.56.235 and AS 11.56.240 are hereby incorporated by reference as if fully set forth herein.

C. Unsworn falsification is a class A misdemeanor.

Section 4. Anchorage Municipal Code chapter 8.35, Drug Abuse and Paraphernalia, is hereby repealed in its entirety and reenacted to read as follows (in accordance with AMC section 1.05.050B., the complete text of the affected chapter being repealed included in Exhibit A attached hereto):

Chapter 8.35 ALCOHOL AND DRUG OFFENSES

8.35.010 Controlled substances; incorporation of Controlled Substances Act.

A. The Controlled Substances Act set forth in the Alaska Statutes 11.71 is hereby adopted by reference and incorporated in this code, pursuant to Charter section 10.04. Specific provisions for municipal enforcement are listed in this section. No person shall violate any provision of this section or any applicable law of the Controlled Substances Act as may be hereinafter amended by the State of Alaska, nor any rule or regulation adopted by any authorized agency of the State of Alaska pursuant to the Controlled Substances Act.

B. The following offenses described in the Controlled Substances Act are adopted by reference and may be prosecuted by the municipality under this code:

1. AS 11.71.050, misconduct involving a controlled substance in the fifth degree.

2. AS 11.71.060, misconduct involving a controlled substance in the sixth degree.

C. The following provisions of the Controlled Substances Act are adopted by reference:

1. Standards and Schedules, AS 11.71.100 – 11.71.200

2. Miscellaneous provisions, AS 11.71.300 – 11.71.360

3. Definitions, AS 11.71.900.

D. Violation of subsection B.1. is a class A misdemeanor. Violation of subsection B.2. is a class B misdemeanor.

8.35.400 Consuming alcoholic beverage in public place.

- 1 A. It is unlawful for any person to knowingly consume any alcoholic
2 beverage when the person is:
3
4 1. On, in or upon any public place, except as permitted by
5 ordinance, regulation, statute or permit; or
6
7 2. Outdoors on property adjacent to a public place, and without
8 consent of the owner or person in control thereof.
9
10 B. For purposes of this section, "public place" means a place to which the
11 public or a substantial group of persons has access and includes, but is
12 not limited to, streets, highways, sidewalks, alleys, transportation
13 facilities, parking areas, convention centers, sports arenas, schools,
14 places of business or amusement, shopping centers, malls, parks,
15 playgrounds, and hallways, lobbies, doorways and other portions of
16 apartment houses and hotels not constituting rooms or apartments
17 designed for actual residence.
18
19 C. This section shall not apply where consumption is authorized by a state
20 permit or license, or authorized by a municipal permit or lease.
21
22 D. Violation of this section is a minor offense punishable as set forth in the
23 minor offenses fine schedule.
24

25 **8.35.410 Intoxicated persons on roadway.**
26

- 27 A. It is unlawful for any person to be upon any public street, road, or
28 highway while intoxicated in such a manner as to be hazardous to
29 motor vehicle traffic.
30
31 B. Violation of this section is a minor offense punishable as set forth in the
32 minor offenses fine schedule.
33

34 **8.35.416 Prohibited acts regarding alcohol consumption, sales and**
35 **distribution corresponding to and adopted from Alaska**
36 **Statutes.**
37

- 38 A. The following sections described herein are intended to reflect the
39 Alaska Statutes Title 4, chapter 16, as it currently exists and as may
40 exist or be amended hereafter. The specific sections iterated in this
41 chapter 8.35.416 which proscribe misdemeanor criminal and minor
42 offense penalties regarding alcohol possession, consumption, sales
43 and distribution are hereby adopted and incorporated in the Anchorage
44 Municipal Code as they currently exist and as may exist or be amended
45 hereafter. The digits of the section numbers after the title and chapter
46 digits are 416 to indicate the section is adopted from Alaska Statutes
47 Title 4, Chapter 16, followed by the corresponding section numbering of
48 the statute section adopted by the code section; i.e., section
49 8.35.416.015 refers to the code section which corresponds to and
50 adopts AS 04.16.015.

- 1
2 B. Sections of Alaska Statutes Title 4, Chapter 16, which relate to alcohol
3 sales and distribution in areas of the state opting out of alcohol sales
4 are not included in this section. Code section numbers, intended to
5 mirror state code, may skip certain state statutes due to the omission of
6 sections relating to dry areas of the state or regulating felony level
7 offenses. Those offenses omitted here are not punishable under this
8 Code.
9
10 C. If any section numbered beginning with 8.35.416 of this chapter is in
11 conflict or inconsistent with the corresponding section of AS 04.16, the
12 state statute shall govern; provided that the municipality may prosecute
13 the offense under the code section with the statute section incorporated
14 by reference.
15
16 D. All terms in this chapter are given the definitions assigned to them in
17 AS 04.21.080, or as defined in sections of AS 04.16 corresponding to
18 the offenses in 8.35.416, unless otherwise expressly provided herein.
19
20

21 **8.35.416.010 Hours of sale and presence on licensed premises**
22 **(standard closing hours).**
23

- 24 A. A person may not sell, offer for sale, give, furnish, deliver, or consume
25 an alcoholic beverage on premises licensed under AS 04.11 during the
26 hours of closure set forth in Section 10.50.010.
27
28 B. A licensee, an agent, or employee may not permit a person to consume
29 alcoholic beverages on the licensed premises between the hours of
30 closure set forth in Section 10.50.010.
31
32 C. A licensee, an agent, or employee may not permit a person to enter
33 and a person may not enter premises licensed under AS 04.11 during
34 the hours of closure set forth in Section 10.50.010. This subsection
35 does not apply to common carriers or to an employee of the licensee
36 who is on the premises to prepare for the next day's business. A
37 person may enter or remain on the premises of a bona fide restaurant
38 or eating place licensed under AS 04.11 to consume food or
39 nonalcoholic beverages.
40
41 D. Violation of this section is a class A misdemeanor
42

43 **8.35.416.015 Pricing and Marketing of Alcoholic Beverages.**
44

- 45 A. On premises where alcoholic beverages are sold by the drink, a
46 licensee or a licensee's agent or employee may not
47
48 1. offer or deliver, as a marketing device to the general public,
49 free alcoholic beverages to a patron;
50

2. deliver an alcoholic beverage to a person already possessing two or more;
 3. sell, offer to sell, or deliver alcoholic beverages to a person or group of persons at a price less than the price regularly charged for the beverages during the same calendar week, except at private functions not open to the general public;
 4. sell, offer to sell, or deliver an unlimited number of alcoholic beverages to a person or group of persons during a set period of time for a fixed price;
 5. sell, offer to sell, or deliver alcoholic beverages to a person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the general public;
 6. encourage or permit an organized game or contest on the licensed premises that involves drinking alcoholic beverages or the awarding of alcoholic beverages as prizes.
- B. A licensee or a licensee's agent or employee may not advertise or promote in any way, either on or off the premises, a practice prohibited under subsection A.
- C. This section may not be construed as prohibiting a licensee or a licensee's agent or employee from offering free food or entertainment at any time, from serving wine by the bottle or carafe or beer by the pitcher with or without meals, or from including an alcoholic beverage as part of a meal package.
- D. Notwithstanding A and B of this section, a licensee or a licensee's agent or employee when acting as a caterer may offer or deliver free alcoholic beverages to a political, charitable, or educational group or organization.
- E. Violation of this section is a class A misdemeanor.

8.35.416.020 Solicitation of Alcoholic Beverages; Purchase on Behalf of Another.

- A. A person may not pay or receive from another a salary, percentage, or commission to solicit or encourage a patron of licensed premises to purchase alcoholic or other beverages for a person other than the patron.
- B. A licensee, an agent, or employee may not knowingly permit a person to loiter within or about premises licensed under AS 04.11 for the purpose of begging or soliciting a patron or visitor to purchase alcoholic or other beverages for the person who is begging or soliciting.

C. Violation of this section is a Class A misdemeanor.

8.35.416.025 Illegal Presence on Premises Involving Alcoholic Beverages.

A. A person may not knowingly enter or remain on premises

1. in which alcoholic beverages are manufactured, sold, offered for sale, possessed for sale or barter, trafficked in, or bartered in violation of

a. AS 04.11.010; or

b. any section of this code adopted under AS 04.21.010(a) or (b); or

2. licensed under AS 04.11 during hours in which the person's presence on the premises is a violation of Section 10.50.010 of this code or other municipal ordinance adopted under authority of AS 04.16.010(d) providing for hours of closure that are outside the hours of closure prescribed by AS 04.16.010(c).

B. Violation of this section is a minor offense punishable as set forth on the minor offenses fine schedule.

8.35.416.030 Prohibited Conduct Related to Drunken Persons.

A. A licensee, an agent, or employee may not with criminal negligence

1. sell, give, or barter alcoholic beverages to a drunken person;

2. allow another person to sell, give, or barter an alcoholic beverage to a drunken person within licensed premises;

3. allow a drunken person to enter and remain within licensed premises or to consume an alcoholic beverage within licensed premises; or

4. permit a drunken person to sell or serve alcoholic beverages.

B. A person receiving compensation for transporting alcoholic beverages may not knowingly deliver alcoholic beverages to a drunken person.

C. Violation of this section is a class A misdemeanor.

8.35.416.040 Access of Drunken Persons to Licensed Premises.

A. A drunken person may not knowingly enter or remain on premises licensed under AS 04.11.

1 B. Violation of this section is a class A misdemeanor.

2
3 **8.35.416.045 Obligation to Enforce Restrictions on Licensed**
4 **Premises.**
5

6 A. A licensee, an agent, or employee may not permit the consumption of
7 alcoholic beverages by any person within licensed premises unless it is
8 permitted by the license.
9

10 B. Violation of this section is a class A misdemeanor.

11
12 **8.35.416.047 Access of Persons with Restriction on Purchasing**
13 **Alcohol.**
14

15 A. A person who is restricted from purchasing alcohol under AS 04.16.160
16 or Section 8.35.416.160 may not knowingly enter or remain in premises
17 licensed under AS 04.11 to obtain or consume alcohol.
18

19 B. A licensee may bring a civil action against a person who violates this
20 section if the violation occurs on the premises of that licensee. If
21 judgment is entered in favor of the licensee, the court shall award civil
22 damages in the amount of \$1,000 and award reasonable costs and
23 reasonable attorney fees allowed under the Alaska Rules of Civil
24 Procedure.
25

26 C. Nothing in this section, Section 8.35.416.160 or AS 04.16.160 creates
27 a duty or imposes an obligation on a licensee to physically check the
28 identification of any person entering licensed premises.
29

30 D. Violation of this section is a class A misdemeanor.
31

32 **8.35.416.049 Access of Persons Under the Age of 21 to Licensed**
33 **Premises.**
34

35 A. A person under the age of 21 years may not knowingly enter or remain
36 in premises licensed under AS 04.11 unless
37

38 1. accompanied by a parent, guardian, or spouse who has attained
39 the age of 21 years;
40

41 2. the person is at least 16 years of age, the premises are
42 designated by the board as a restaurant for the purposes of this
43 section, and the person enters and remains only for dining; or
44

45 3. the person is under the age of 16 years, is accompanied by a
46 person over the age of 21 years, the parent or guardian of the
47 underaged person consents, the premises are designated by
48 the board as a restaurant for the purposes of this section, and
49 the person enters and remains only for dining.
50

- 1 B. Notwithstanding Section 8.35.416.049A., a licensee or an agent or
2 employee of the licensee may refuse entry to a person under the age of
3 21 years to that part of licensed premises in which alcoholic beverages
4 are sold, served, or consumed, may refuse service to a person under
5 the age of 21 years, or may require a person under the age of 21 years
6 to leave the portion of the licensed premises in which alcoholic
7 beverages are sold, served, or consumed.
8
9 C. Notwithstanding any other provision in this section, a person 16 or 17
10 years of age may enter and remain within the licensed premises of a
11 hotel, restaurant, or eating place in the course of employment if (1) the
12 employment does not involve the serving, mixing, delivering, or
13 dispensing of alcoholic beverages; (2) the person has the written
14 consent of a parent or guardian; and (3) an exemption from the
15 prohibition of AS 23.10.355 is granted by the Department of Labor and
16 Workforce Development. The board, with the approval of the municipal
17 assembly and at the licensee's request, shall designate which premises
18 are hotels, restaurants, or eating places for the purposes of this
19 subsection.
20
21 D. Notwithstanding any other provision in this section, a person 18, 19, or
22 20 years of age may be employed within the licensed premises of a
23 hotel, restaurant, or eating place, may enter and remain within those
24 premises for the purpose of employment, but may not, in the course of
25 employment, sell, serve, deliver, or dispense alcoholic beverages.
26
27 E. A licensee may bring a civil action against a person who violates this
28 section if the violation occurs on the premises of that licensee. If
29 judgment is entered in favor of the licensee, the court shall award civil
30 damages in the amount of \$1,500 and award reasonable costs and
31 reasonable attorney fees allowed under the Alaska Rules of Civil
32 Procedure.
33
34 F. A person under 21 years of age does not violate this section if the
35 person enters or remains on premises licensed under AS 04.11 at the
36 request of a peace officer, if the peace officer accompanies,
37 supervises, or otherwise observes the person's entry or remaining on
38 premises, and the purpose for the entry or remaining on premises is to
39 assist in the enforcement of this section.
40
41 G. Violation of this section is a class A misdemeanor.
42

43 **8.35.416.050 Alcohol Possession, Control, or Consumption by**
44 **Persons Under the Age of 21.**
45

- 46 A. A person under the age of 21 years may not knowingly consume,
47 possess, or control alcoholic beverages except those furnished persons
48 under AS 04.16.051(b).
49

1 B. A person who violates Subsection A. and who has not been previously
2 convicted or received a suspended imposition of sentence under
3 Subsection B.1. is guilty of minor consuming or in possession or
4 control. Minor consuming or in possession or control is not a
5 misdemeanor. Upon conviction in the district court, the court
6

7 1. may grant a suspended imposition of sentence under AS
8 12.55.085 and place the person on probation for up to one year
9 if the person has not been convicted of a violation of this
10 Subsection or AS 04.16.050(b) previously; among the conditions
11 of probation, the court shall, with the consent of a community
12 diversion panel, refer the person to the panel, and require the
13 person to comply with conditions set by the panel, including
14 counseling, education, treatment, community work, and payment
15 of fees; in this paragraph, "community diversion panel" means a
16 youth court or other group selected by the court to serve as a
17 sentencing option for a person convicted under this section; or
18

19 2. shall impose a fine of at least \$200 but not more than \$600,
20 shall require the person to attend alcohol information school if
21 the school is available, and shall place the person on probation
22 for up to one year under Subsection E.; the court may suspend
23 a portion of the fine imposed under this paragraph that exceeds
24 \$200 if the person is required to pay for education or treatment
25 required under Subsection E.
26

27 C. A person is guilty of repeat minor consuming or in possession or control
28 if the person was previously granted a suspended imposition of
29 sentence under Subsection B.1. or AS 04.16.050(b)(1), has a prior
30 conviction under Subsection B.2. or AS 04.16.050(b)(2), or has been
31 previously convicted once, and the person violates Subsection A.
32 Repeat minor consuming or in possession or control is not a
33 misdemeanor. Upon conviction in the district court, the court shall
34

- 35 1. impose a fine of \$1,000 and require at least 48 hours of
36 community work;
37
38 2. revoke the person's driver's license for three months;
39
40 3. take possession of the person's driver's license; and
41
42 4. suspend up to \$500 of the fine and place the person on
43 probation for up to one year under Subsection E.
44

45 D. A person is guilty of habitual minor consuming or in possession or
46 control if the person has a prior conviction under Subsection C., or has
47 been previously convicted two or more times, and the person violates
48 Subsection A. Habitual minor consuming or in possession or control is
49 a class B misdemeanor. Upon conviction, the court may impose an
50 appropriate period of imprisonment and fine and place the person on

probation under Subsection E. for one year, or until the person is 21 years of age, whichever is later, and shall

1. impose at least 96 hours of community work;
2. revoke the person's driver's license for six months;
3. within five working days, notify the agency responsible for the administration of motor vehicle laws of the revocation; and
4. take possession of the person's driver's license.

E. The court shall place a person sentenced under Subsections B.2, C. or D. on probation for the appropriate period. The person may not refuse probation. The court may require the person to pay for and enroll in a juvenile alcohol safety action program, if one is available. The court shall impose the following conditions of probation:

1. the person shall pay for and successfully complete any education or treatment recommended;
2. the person may not consume inhalants or possess or consume controlled substances or alcoholic beverages, except as provided in AS 04.16.051(b);
3. the person shall timely complete any community work ordered, as provided in Subsection F.; and
4. other conditions the court considers appropriate.

F. A person ordered to perform community work under this section shall perform the work within 120 days of the entry of judgment for a conviction. The court may expand the time period for up to 30 days upon a showing of good cause. The person shall submit verification of completion of community work to the clerk of court on a form provided by the court. If the verification is not provided within the time period required by this subsection, the court shall, within 30 days, schedule further proceedings in the case to determine whether a violation of probation has occurred.

G. The treatment recommended by a juvenile alcohol safety action program for a person placed on probation under Subsection E. may include a period of inpatient treatment if the judgment specifies the maximum period of inpatient treatment authorized. A person who has been recommended for inpatient treatment may make a written request to the sentencing court for review of the referral. A person shall make a request for review within seven days after the recommendation and shall specifically set out the grounds upon which the request for review is based. The court may order a hearing on the request for review.

1 H. The juvenile alcohol safety action program to which a person is referred
2 under this section shall inform the court or a minor's juvenile probation
3 officer if the person fails to submit to evaluation or fails to complete
4 successfully any education or treatment recommended. If the court
5 finds that the person has failed to perform community work as ordered,
6 to submit to evaluation, or to complete successfully the education or
7 treatment recommended, the court may impose the suspended fine,
8 and may impose any period of suspended incarceration. If the person
9 was convicted under Subsection C. or D, the court shall revoke the
10 person's driver's license for an additional six months beyond the
11 revocation imposed under Subsection C. or D. A court revoking a
12 person's driver's license under this subsection shall notify the agency
13 responsible for the administration of motor vehicle laws of the
14 revocation within five working days.

15
16 I. When considering the financial resources of a minor for purposes of
17 determining eligibility for court-appointed counsel under this section,
18 the court shall consider the resources of both the defendant and the
19 defendant's parent or guardian, unless the court finds good cause to
20 treat the defendant's or the defendant's parent's or guardian's
21 resources as being unavailable to the defendant.

22
23 J. A driver's license revocation under this section is consecutive to a
24 revocation imposed under another provision of law, but is concurrent
25 with a revocation under another provision of law based on a prior
26 conviction, adjudication of delinquency, or informal adjustment under
27 AS 47.12.060.

28
29 K. Notwithstanding Subsections B., C. and E., a person sentenced under
30 Subsection B. or C. may make a motion to the court to terminate
31 probation of that person before the end of the probationary period
32 required under those subsections. The court may grant the motion if
33 the court finds, by clear and convincing evidence, that

- 34
35 1. the person completed any community work ordered under
36 Subsection F.;
- 37
38 2. the person has successfully completed any education or
39 treatment program ordered by the court and, if required by the
40 court, has either
- 41
42 a. paid for the programs; or
43 b. made a good faith effort to pay for the programs, agreed
44 to have the debt reduced to a civil judgment, entered into
45 a repayment plan with the provider or the state, and
46 agreed that the civil judgment may be enforced in the
47 manner provided for restitution and fines in AS
48 12.55.051;
- 49
50 3. the person has either

- a. paid the fine; or
- b. made a good faith effort to pay the fine, agreed to have the remaining fine amount reduced to a civil judgment, entered into a plan with the state, and agreed that the civil judgment may be enforced in the manner provided for restitution and fines in AS 12.55.051; and

4. the person has substantially complied with the other conditions of probation.

L. In this section,

1. "driver's license" has the meaning given in AS 28.90.990;
2. "previously convicted" means a conviction or an adjudication as a delinquent for a violation of AS 11.71, AS 28.35.030, 28.35.032, 28.35.280--28.35.290, or a violation of code section 8.35.010 (controlled substances), section 9.28.020 (operating under the influence), section 9.28.022 (refusal to submit to chemical tests), section 9.28.060 (minor operating a vehicle after consuming alcohol), section 9.28.070 (minor's refusal to submit to chemical test), section 9.28.080 (minor driving during the 24 hours after being cited for alcohol or breath test offenses), or a law or ordinance of another jurisdiction with substantially similar elements.

8.35.416.052 Furnishing of Alcoholic Beverages to Persons Under the Age of 21 by Licensees.

A. A licensee or an agent or employee of the licensee may not with criminal negligence

1. allow another person to sell, barter, or give an alcoholic beverage to a person under the age of 21 years within licensed premises;
2. allow a person under the age of 21 years to enter and remain within licensed premises except as provided in Section 8.35.416.049;
3. allow a person under the age of 21 years to consume an alcoholic beverage within licensed premises;
4. allow a person under the age of 21 years to sell or serve alcoholic beverages;
5. while working on licensed premises, furnish or deliver alcoholic beverages to a person under the age of 21 years.

1 B. Violation of this section is a class A misdemeanor.

2
3 **8.35.416.055 Room Rental for Purposes of Consuming Alcoholic**
4 **Beverages.**
5

6 A. A person may not rent a room in a hotel, motel, resort, or similar
7 business for the purpose of providing alcoholic beverages to a person
8 under the age of 21 years.
9

10 B. Violation of this section is a class A misdemeanor.

11
12 **8.35.416.057 Permitting Minor to Illegally Possess Liquor in**
13 **Dwelling.**
14

15 A. Except as provided by AS 04.16.051, a person who is physically in
16 possession and exercising dominion and control over a dwelling may
17 not knowingly permit a person under 21 years of age to possess an
18 alcoholic beverage in the dwelling.
19

20 B. Violation of this section is a minor offense punishable as set forth on
21 the minor offenses fine schedule.
22
23

24 **8.35.416.060 Purchase By or Delivery to Persons Under the Age of**
25 **21.**
26

27 A. A person under the age of 21 years may not purchase alcoholic
28 beverages or solicit another to purchase alcoholic beverages for the
29 person under the age of 21.
30

31 B. A person may not influence the sale, gift, or service of an alcoholic
32 beverage to a person under the age of 21 years, by misrepresenting
33 the age of that person.
34

35 C. A person may not order or receive an alcoholic beverage from a
36 licensee, an agent or employee of the licensee, or another person, for
37 the purpose of selling, giving, or serving it to a person under the age of
38 21 years.
39

40 D. A person under the age of 21 years may not enter licensed premises
41 where alcoholic beverages are sold and offer or present to a licensee
42 or an agent or employee of the licensee a birth certificate or other
43 written evidence of age, that is fraudulent or false or that is not actually
44 the person's own, or otherwise misrepresent the person's age, for the
45 purpose of inducing the licensee or an agent or employee of the
46 licensee to sell, give, serve, or furnish alcoholic beverages contrary to
47 law.
48

49 E. A person under the age of 21 who is seeking to enter and remain in a
50 licensed premises under Section 8.35.416.049A.2.or 3. or equivalent

state statute may not misrepresent the person's age or having obtained the consent of the parent or guardian required by that section.

- F. A person does not violate this section if the person performs an act proscribed under this section, the person performs that act at the request of a peace officer, the peace officer accompanies, supervises, or otherwise observes the person's act, and the purpose of the act is to assist in the enforcement of this section.

- G. Violation of this section is a class A misdemeanor.

8.35.416.080 Sales or Consumption at School Events.

- A. A person may not sell or consume alcoholic beverages during a school event at the site of the event.
- B. Violation of this section is a class A misdemeanor.

8.35.416.090 Prohibition of Bottle Clubs.

- A. A person may not maintain a place in which alcohol beverages are received or kept, or to which alcoholic beverages are brought, for consumption by members of the public or by members of a club, corporation, or association, unless the person is authorized to do so under AS 04.11.
- B. A person may not maintain, operate, or lease premises for the purpose of providing, for a consideration, a place for drinking alcoholic beverages by members of the public or other persons, unless the person is authorized to do so under AS 04.11.
- C. For the purposes of this section, "consideration" includes but is not limited to cover charge, the sale of food, ice, mixers, or other liquids used with alcoholic beverage drinks, or the furnishing of glassware or other containers for use in the consumption of alcoholic beverages.
- D. Violation of this section is a class A misdemeanor.

8.35.416.100 Restriction on Size of Containers.

- A. A person may not sell alcoholic beverages in $\frac{1}{6}$ gallon or $\frac{1}{10}$ gallon containers, nor may a person sell alcoholic beverages in a container deceptively similar in appearance to a container of a different volume.
- B. Violation of this section is a class A misdemeanor.

8.35.416.110 Sale of Certain Alcoholic Beverages Prohibited.

- A. A person may not sell an alcoholic beverage if it

1. is intended for human consumption and is in powdered form; or
2. contains more than 76 percent alcohol by volume

B. Violation of this section is a class A misdemeanor.

8.35.416.120 Removal or Introduction of Alcoholic Beverages.

A. A person may not remove from licensed premises alcoholic beverages that have been sold or furnished for consumption only on the premises.

B. Except as provided in this subsection, a person may not bring an alcoholic beverage into licensed premises for use or consumption by oneself or another person on the premises unless that person is a licensee, an agent, employee, or common carrier in the regular course of employment. With the permission of the licensee, a person may bring wine into premises licensed as a beverage dispensary or a restaurant or eating place for consumption by the person while eating food served at a table on the licensed premises. The beverage dispensary or restaurant or eating place may charge a corkage fee for serving wine supplied by a customer.

C. Notwithstanding Subsection A., a person may remove from licensed premises the unconsumed portion of one or more bottles of wine that were partially consumed with a meal if

1. the original or a similar type of cork is reinserted in each bottle by the licensee and the cork can only be removed by a corkscrew or other similar device; or
2. each bottle is sealed or packaged by the licensee in a manner set by the board. Notwithstanding another provision of law, each bottle of wine that is recorked, sealed, or packaged as provided in this subsection is not an open container if the cork reinserted by the licensee or the seal made by the licensee has not been disturbed.

D. Violation of this section is a class A misdemeanor.

8.35.416.130 Stock Confined to Licensed Premises.

A. Unless authorized under AS 04.21.060, a licensee may not store before sale any alcoholic beverages elsewhere than on the premises indicated on the license.

B. This section does not apply to stocks of beer carried on a delivery truck by a licensed wholesaler if carried for the purpose of sale and delivery to persons licensed under AS 04.11 in quantities of not less than 10 gallons for each sale.

C. Violation of this section is a class A misdemeanor.

8.35.416.140 Sale or Consumption of Alcoholic Beverages in a Warehouse.

- A. Alcoholic beverages may not be sold or consumed on premises approved for storage under AS 04.21.060.
- B. Violation of this section is a class A misdemeanor.

8.35.416.150 Licensee Responsible for Violations.

- A. A licensee may neither knowingly allow agents or employees to violate this title or AS Title 04 or regulations adopted thereunder, or to recklessly or with criminal negligence fail to act in accordance with the duty prescribed under AS 04.21.030 with the result that an agent or employee of the licensee violates a law, regulation or ordinance.
- B. Violation of this section is a class A misdemeanor.

8.35.416.160 Restriction on Purchasing Alcoholic Beverages.

- A. Except as otherwise provided by law, a person who is 21 years of age or older may not purchase alcoholic beverages if the person has been ordered to refrain from consuming alcoholic beverages under AS 12.55.015(a)(13) or as part of a sentence for conviction of a crime under AS 28.35.030, AS 28.35.032, Section 9.28.020, Section 9.28.022, or for conviction under a law of another jurisdiction with substantially similar elements, or as a condition of probation or parole from a conviction under AS 28.35.030, AS 28.35.032, Section 9.28.020, Section 9.28.022, or a conviction under a law of another jurisdiction with substantially similar elements. The restriction on purchasing alcoholic beverages applies during the period that the person is required to refrain from consuming alcoholic beverages under the sentence or condition of probation or parole.
- B. A court imposing a restriction on a person under this section, and the Department of Corrections of the state, shall notify the person that an identification card issued under AS 18.65.310 must list the restriction imposed for the period of the person's probation or parole.
- C. Violation of this section is a class A misdemeanor.

8.35.416.170 Source of Alcoholic Beverages.

- A. Alcoholic beverages for consumption by the purchaser may not be sold unless obtained from a person licensed under AS 04.11.
- B. A person transporting alcoholic beverages into the municipality may not sell those alcoholic beverages to a person not licensed under AS

04.11, unless the alcoholic beverages are used for religious, industrial, pharmaceutical, or medical purposes.

C. Violation of this section is a class A misdemeanor.

8.35.416.172 Restrictions on Purchase and Sale of Alcoholic Beverages.

A. A person licensed under AS 04.11.090, 04.11.100, 04.11.110, or 04.11.150 may not purchase, sell, or offer for sale an alcoholic beverage unless the alcoholic beverage being purchased, sold, or offered for sale was obtained from a person licensed under

1. AS 04.11.160 as a primary source of supply for the alcoholic beverage being purchased, sold, or offered for sale;
2. AS 04.11.150 and the alcoholic beverage being purchased, sold, or offered for sale was obtained from a person licensed under AS 04.11.160 as a primary source of supply; or
3. AS 04.11.130, 04.11.140, or 04.11.170.

B. Violation of this section is a class A misdemeanor.

8.35.416.175 Furnishing Alcoholic Beverages in Aid of Gambling Enterprise.

A. An agent or employee of a gambling enterprise may not furnish an alcoholic beverage to a player.

B. In this section, "gambling enterprise" and "player" have the meanings given them in AS 11.66.280.

C. Violation of this section is a class A misdemeanor.

8.35.500 Illicit synthetic drugs.

A. *Purpose.* The purpose of this section is to regulate the availability of products which are enhanced with synthetic chemicals, which chemicals mimic the effects of controlled substances on users, because these products are a danger to the public health, safety and welfare.

B. *Definitions.* For purposes of this section, the following terms, phrases, words and their derivatives shall have the meanings given herein, unless the context clearly indicates or requires a different meaning:

BATH SALTS, SYNTHETIC CATHINONES, SYNTHETIC STIMULANTS, N-BOMB, 25I-NBOMe is any crystalline, liquid or powder

product in crystalline, loose powder, block, tablet, tabs, paper, blotter paper or capsule form, or any stimulant-type product, when

1. the label is in any way false or misleading, or which does not contain a label specifying:
 - a. the identity of the commodity; and
 - b. the name and place of business of the manufacturer, packer, or distributor.
2. Street names for these products include, but are not limited to: Bliss, Blue Silk, Cloud Nine, Drone, Energy-1, Ivory Wave, Lunar Wave, Meow Meow, Ocean Burst, Pure Ivory, Ivory Soft, Purple Wave, Red Dove, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Knight, White Lightning, White Rush, White China, Blizzard, Bonzai Grow, Charge Plus, Charlie, Euphoria, Hurricane, Lunar Wave, Ocean, Pixie Dust, Posh, Scarface, Lovely Dovey, Aura, MDPV, MDPK, MTV, Maddie, Hurricane Charlie, Black Rob, Super Coke, PV, Peeve, Meph, Drone, MCAT, Funky Green Stuff, Reggie's Blend, Hammer Head, Scooby Snax, XXX, Baby Halo, Zombie Matter, El Diablo, Supernova Halo, Dead Man, Smokin' Dragon, Rippler, Twilight Zone, Bloody Mary, Head Stash, Eight Ballz, Bloody Eyes, Mad Hatter, Grape Ape, Smiles, Mr. Happy, Crippler, Diablo, Dragon Blow, Lightning, Caution, Eclipse, Lunar Eclipse, Serenity, Serenity Now, Superman, Synergy, Arctic Synergy, Flight 300, Cotton Cloud, Kush, Kush Blitz, Amp, Space, Dynamite, Sippin Syrup and Dark Night.
3. This definition shall include any product to which any synthetic chemical or synthetic chemical compound has been added which has no legitimate relation to the advertised use of the product, whether or not the label meets the requirements herein.

DRUG is an article that is intended to affect the function of the body of humans.

ILLICIT SYNTHETIC DRUGS are spice, synthetic cannabinoids, synthetic marijuana, bath salts, synthetic cathinones, n- bombs, 251-NBOMe, synthetic stimulants, and misbranded drugs, as defined herein.

MISBRANDED DRUG is any drug for which:

1. the label is in any way false or misleading;
2. the label does not bear the name and place of business of the manufacturer, repackager, or distributor of the finished form of the drug;
3. the label does not bear adequate directions for customary use; or
4. the label does not bear adequate warnings against customary use.

SPICE, SYNTHETIC CANNABINOIDS, SYNTHETIC MARIJUANA is any aromatic plant material in granular, loose leaf or powder form, or in liquid or as a food additive, or any herbal-incense-type stimulant or hallucinogen product, when

1. the label is in any way false or misleading, or which does not contain a label specifying:
 - a. the identity of the commodity; and
 - b. the name and place of business of the manufacturer, packer, or distributor.
2. Street names for these products include, but are not limited to: Bliss, Black Mamba, Bombay Blue, Fake Weed, Genie, Spice, Zohai, K2, K3, Smoke, Pot-Pourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Stinger, Ocean Blue, Serenity, Chronic Spice, Spice Gold, Spice Silver, Skunk, Mr. Nice Guy, Mr. Happy, K3 Legal, Sence, Smoke, Chill X, Earth Impact, Galaxy Gold, Space Truckin, Solar Flare, Moon Rocks, Aroma, Scope, Sky High, Atomic, G-20, Guerrilla Warfare, Makes Scents, g-13, Tiger Shark, California Dreams, Dank, Bullet, Mind Trip, Voodoo Child, Jazz, Nightlights, Matrix, Hypnotiq, AK47, Maui Wowie, Cloud 9, Daylights, Joker, Dead Man Walking, Brain Storm, Soul Sence, Kush, Kush Mania, Dragons Fire, Lucid, Mad Hatter, Scooby Snax, D-ZL, OMG, Demon, Barely In, Pineapple Express, Hayze, King Kong, Black Out, Pure Evil, Blue Jay, Honeymoon, Cherry, El Diablo, Scorpion King, Funky Monkey 20X, Funky Green Stuff, Reggie's Blend, Hammer Head, XXX, Baby Halo, Zombie Matter, El Diablo, Supernova Halo, Dead Man, Smokin' Dragon, Rippler, Twilight Zone, Bloody Mary, Head Stash, Eight Ballz, Bloody Eyes, Grape Ape, Crippler, Dr. Feel Good, Mr. Miyagi, Time Out, Warpaint, K6, Black Diamond, Fuego, Green Monster, Matrix, Voodoo, Mojo Extreme, Kush, Cloud 13, Storm, Good Times, The Bomb, Voodoo Spice, Puff, Ninja, The Hamster, Working Joe, Head Trip, Skyscraper, Froge.
3. This definition shall include any plant material to which any synthetic chemical or synthetic chemical compound has been added which has no legitimate relation to the advertised use of the product, whether or not the label meets the requirements herein.

SYNTHETIC CHEMICAL or *SYNTHETIC CHEMICAL COMPOUND* is any chemical or chemical compound whose molecular makeup is similar to those substances listed as controlled substances in AS 11.71.160(f)(7)-(16), (including any isomers, esters, ethers, salts, and salts of isomers, esters, and ethers of such substances), or to those substances listed in or pursuant to 21 U.S.C. 812(c), 21 U.S.C. 811(h), and 21 U.S.C. 802(32), or those substances

1 listed temporarily subject to emergency scheduling in 21 C.F.R. § 1308.11(h),
2 and whose intended use, when introduced into the human body, is to mimic or
3 simulate the effects of a controlled substance.

4
5 C. *Prohibition of illicit synthetic drugs.*

- 6
7 1. It is unlawful for any person to possess, use, provide, sell,
8 produce, manufacture, or distribute, or to offer, display, market,
9 or advertise for sale, any illicit synthetic drug.
- 10
11 2. In determining whether a product is prohibited by this section,
12 statements on package labeling such as "not for human
13 consumption" may be disregarded when other relevant factors
14 (viewed alone or in totality) indicate that the product is intended
15 to be consumed or ingested by humans or is a product
16 regulated by this section. Other relevant factors that may be
17 used to determine whether a product or sale is prohibited by this
18 section include, but are not limited to: verbal or written
19 representations at the point of sale or seizure regarding the
20 purpose, methods, use, or effect of the product; aspects of the
21 packaging or labeling suggesting that the user will achieve a
22 "high," euphoria, relaxation, mood enhancement, or that the
23 product has other effects on the body; the cost of the product is
24 disproportionately higher than other products marketed for the
25 same use; the product contains a warning label stating or
26 suggesting that the product is in compliance with state or federal
27 laws regulating controlled substances; the product's name or
28 packaging uses images or slang referencing an illicit street drug;
29 illicit or underground methods of sale or delivery are employed
30 by the seller or provider; or the product resembles an illicit street
31 drug such as cocaine, methamphetamine, LSD, or marijuana.
- 32
33 3. *Defense.* It shall be a defense to the prosecution of a violation of
34 this section that a product is specifically excepted by, or
35 regulated within and in compliance with, state or federal law. For
36 the purposes of this section, it shall not be a defense that a
37 product is not subject to regulation unless the product is
38 specifically exempt from regulation; mere "nonregulation" by
39 these acts without a specific regulatory exemption does not
40 render a product exempt under this section.

41
42 D. *Sale of certain products for human consumption prohibited.* It is
43 unlawful for any person to provide, sell, or offer for sale a product for
44 human consumption when the product is labeled "not for human
45 consumption" or contains similar warnings.

46
47 E. *Violations and penalties; seizure.*

- 48
49 1. Each product, package, tube, vial or container possessed, used,
50 provided, sold, produced, manufactured, distributed, or offered,

displayed, marketed, or advertised for sale shall be a separate minor offense. The fine for each minor offense shall be as set forth on the minor offenses fine schedule.

2. Any products found in violation of this section may be seized and held as evidence to be used in any future proceeding and may be disposed of as appropriate after their use for evidentiary purposes is no longer required, including in accordance with chapter 7.25.

8.35.600 Regulation of methamphetamine precursor drugs.

The municipality shall regulate the retail sale of methamphetamine precursor drugs as set forth in Sections 8.35.600 through 8.35.650.

8.35.610 Definitions for sections 8.35.610 to 8.35.650.

- A. For the purposes of sections 8.35.610 to 8.35.650, the following definitions shall apply:

1. Methamphetamine precursor drugs means a drug or product containing as its sole active ingredient ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, not including any compounds, mixtures, or preparations that are in liquid, liquid capsule, or gel capsule form, and in which pseudoephedrine is not the only active ingredient.
2. Over-the-counter sale means a retail sale of a drug or product, but does not include the sale of a drug or product pursuant to the terms of a valid prescription.
3. Retailer means any person, corporation, partnership or other business entity conducting business within the Municipality of Anchorage who sells or furnishes any over-the-counter drug product containing methamphetamine precursor drugs to any person who is the ultimate user or consumer of the product.

(AO No. 2005-98(S), § 1, 1-1-06)

8.35.620 Prohibited acts.

It shall be unlawful within the Municipality of Anchorage for any retailer or employee to knowingly to sell, transfer, or to otherwise furnish in a single transaction any product or combination of products containing more than nine grams of methamphetamine precursor drugs, except as provided in Section 8.35.640.

(AO No. 2005-98(S), § 1, 1-1-06)

8.35.630 Accessibility of methamphetamine precursor drugs.

A. A business establishment that offers over-the-counter sales of methamphetamine precursor drugs shall make reasonable efforts to deter the theft or improper sale of products used in the illicit manufacture of methamphetamine by providing personnel training and by ensuring that all packages of the drugs are displayed and offered for sale only:

1. behind a checkout counter where the public is not permitted;
or
2. inside a locked display case.

(AO No. 2005-98(S), § 1, 1-1-06)

8.35.640 Registration of purchases for resale.

A. Any retailer that sells or delivers to a person for the purpose of resale through another licensed retailer any product containing methamphetamine precursor drugs as the sole active ingredient shall require such person to show proper identification and to sign a register for a purchase of more than nine grams of such products.

B. The register described in this section shall be created by any retailer that sells a product or products described in this section and shall require the following information:

1. The name and specific quantity of methamphetamine precursor drugs purchased;
2. The signature of the purchaser;
3. The retail business name and mailing address of the purchaser, other than a post office box number;
4. The number of the purchaser's motor vehicle operator's license or other legal identification at the time of purchase;
5. The date of such purchase; and
6. The signature of an employee of the retail establishment as witness to the purchase and identification of the purchaser.

C. As used in this section, "legal identification" means a valid motor vehicle operator's license or other official and valid identification of the purchaser issued by a governmental agency that contains a photograph of the purchaser.

D. Upon written request of any law enforcement agency, any retailer shall

E. The register required to be maintained in this section and the information entered thereon is confidential. The retailer may not allow access to the register or release information contained therein except to a law enforcement agency, the Municipal Prosecutor or the Anchorage Police Department.

1. Obstruct or delay access or exit to and from the property; or
2. Intentionally, knowingly or recklessly intimidate users, residents, or occupants of the property; or

- ***
- D. Violation of this section is a class B misdemeanor [SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$2,000.00 OR IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BOTH SUCH FINE AND IMPRISONMENT].

(CAC 8.48.010--8.48.030; AO No. 93-133(S), § 2, 11-4-93; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.50.040 Sexual exploitation of minors.

*** * * * *
F. Violation of this section is a class A misdemeanor [SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$10,000.00 OR IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH SUCH FINE AND IMPRISONMENT].

(AO No. 77-332A; AO No. 89-52; AO No. 90-5; AO No. 91-53; AO No. 93-133(S), § 3, 11-4-93; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.50.050 Contributing to the delinquency of a minor.

A. A person commits the crime of contributing to the delinquency of a minor if, being 19 years of age or older or being under 19 years of age and having the disabilities of minority removed for general purposes under AS 09.55.590, the person aids, induces, causes, or encourages a child

1. under 18 years of age to do any act prohibited by state law unless the child's disabilities of minority have been removed for general purposes under AS 09.55.590;

2. under 18 years of age or allows a child under 18 years of age to enter or remain in the immediate physical presence of the unlawful manufacture, use, display, or delivery of a controlled substance knowing that the manufacture, use, display, or delivery is occurring, unless the child's disabilities of minority have been removed for general purposes under AS 09.55.590;

3. under 16 years of age to be repeatedly absent from school, without just cause; or

4. under 18 years of age to be absent from the custody of a parent, guardian, or custodian without the permission of the parent, guardian, or custodian or without the knowledge of the parent, guardian, or custodian, unless the child's disabilities of minority have been removed for general purposes under AS 09.55.590 or the person has immunity under AS 47.10.350 or 47.10.398(a); it is an affirmative defense to a prosecution under this paragraph that, at the time of the alleged offense, the defendant

a. reasonably believed that the child was in danger of physical injury or in need of temporary shelter; and

[B. NO PEACE OFFICER SHALL BE HELD CRIMINALLY OR CIVILLY
LIABLE FOR ACTION TAKEN UNDER THIS SUBSECTION.]

(AO No. 96-134(S-2), §§ 19, 52, 7-1-97; AO No. 98-59(S), § 2, 5-19-98; AO No. 2003-77, § 1, 5-20-03)

8.55.015 **Animal Neglect.**

A. It is unlawful for any person, with criminal negligence, to:

1. Maintain an animal in an inhumane manner, including failure to provide adequate food, water, housing and care; or
2. Keep an animal on vacant property or in an unoccupied structure, unless the animal is cared for in a humane manner; or
3. Have an animal within, on or attached to a motor vehicle under conditions that may endanger the health, safety or welfare of the animal, including but not limited to insufficient control or extreme temperature.
 - a. A peace officer is authorized to remove an animal from a motor vehicle at any location when the officer reasonably believes there is a violation of this section. Any animal so removed shall be delivered to the animal care and control center after the removing officer leaves written notice of the removal and delivery, including the officer's name, in a conspicuous, secure location on or within the vehicle.
 - b. No peace officer shall be held criminally or civilly liable for action taken under this subsection.

B. Violation of this section is a class A misdemeanor.

8.55.020 Animal fighting.

* * *

B. Violation of this section is a class A misdemeanor.

(AO No. 96-134(S-2), §§ 19, 52, 7-1-97; AO No. 98-59(S), § 2, 5-19-98; AO No. 2003-77, § 1, 5-20-03)

8.55.030 Accidents involving injury to animals.

8.55.040 Trapping of animals.

(AO No. 96-134(S-2), §§ 19, 52, 7-1-97; AO No. 98-59(S), § 2, 5-19-98; AO No. 2003-77, § 1, 5-20-03)

8.55.050 **Additional Penalties for Class A and Class B misdemeanors in this chapter.**

- A. A person who with criminal negligence violates this chapter shall, upon conviction, [BE SUBJECT TO A FINE OF NOT MORE THAN \$10,000.00, IMPRISONMENT FOR NOT MORE THAN ONE-YEAR, OR BOTH AND] be prohibited from owning or maintaining another animal for as long as the court determines.
- B. In addition to any fine or imprisonment, the court may also require the defendant to receive mandatory counseling at defendant's expense and/or complete community work service as provided for in AS 12.55.055.
- C. A person convicted of violating this chapter, and who owns the animal, shall relinquish all rights of ownership of the animal, and/or any other animals owned by that individual, to the municipality. The rights of persons not convicted under this chapter to an animal, and the rights of persons to an animal prior to a final determination of criminal charges brought under this chapter, [FORFEITED UNDER THIS CHAPTER] shall be determined under chapter 17.25 of this Code and its regulations.
- D. A person convicted of violating this chapter shall pay any and all costs incurred by the animal care and control center for animals involved, including but not limited to, housing, feed and veterinary care, costs related to the animal's care, housing, feed, veterinary services such as medical care, diagnostics, and lab fees, and expenses of the investigation.
- E. A person convicted of violating this chapter may be subject, upon court order, to periodic unannounced visits for a period of up to one year or the term of probation, whichever is greater, by an animal control officer or other peace officer authorized to enforce the provisions of this chapter. Such period may be extended by the court upon motion.

F. A person convicted of violating this chapter is subject to penalties set forth herein per animal. Penalties per animal imposed for offenses committed against multiple animals shall run consecutively.

(AO No. 96-134(S-2), §§ 19, 54, 7-1-97; AO No. 98-59(S), § 2, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2003-77, § 1, 5-20-03)

8.55.060 Classified animals.

A. It is unlawful for a [A] person, [WHO] with criminal negligence, to violate[s] any provision of chapter 17.40 "Regulation of Animal Behavior," pertaining to animals classified as level three, four or five. [SHALL, UPON CONVICTION, BE SUBJECT TO A FINE UP TO \$2,000.00 OR IMPRISONMENT OF NOT MORE THAN SIX MONTHS, OR BOTH].

B. Violation of this section is a class B misdemeanor.

(AO No. 96-134(S-2), § 56, 7-1-97; AO No. 98-59(S), 2, 5-19-98; AO No. 2003-77, § 1, 5-20-03)

8.55.070 Wolf hybrids.

A. It is unlawful for any person, with criminal negligence to own, possess, keep, maintain, harbor, transport, sell or advertise for sale any wolf hybrid within municipal boundaries except as provided under state law.

B. Violation of this section is a class B misdemeanor.

[ANY PERSON CONVICTED OF VIOLATING ANY PROVISION OF CHAPTER 17.60, "WOLF HYBRIDS" WITH CRIMINAL NEGLIGENCE IS GUILTY OF A MISDEMEANOR AND MAY BE PUNISHED BY IMPRISONMENT FOR UP TO SIX MONTHS IN JAIL OR A FINE OF NOT MORE THAN \$2,000.00 OR BOTH.]

(AO No. 92-75(S); AO No. 96-134(S-2), § 60, 7-1-97; AO No. 98-59(S), § 2, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2003-77, § 1, 5-20-03)

8.55.090 Harming a police dog.

A. A person commits the crime of harming a police dog if the person intentionally causes physical injury to or, without causing physical injury to, torments, kicks, strikes, stones, or tampers with a police dog, knowing the dog to be a police dog.

B. It is a defense to a prosecution under this section that the conduct of the defendant

1. conformed to accepted veterinary practice; or

2. was in response to a direct attack on the defendant by a police
dog not acting under the control of a peace officer.

C. Violation of this section is a class A misdemeanor.

Section 9. Anchorage Municipal Code section 17.60.010 is hereby amended to
read as follows:

17.60.010 Possession of wolf hybrids.

No person shall own, possess, keep, maintain, harbor, transport, sell or
advertise for sale any wolf hybrid within municipal boundaries except as
provided under state law. Such possession of wolf hybrids is a criminal
offense as set forth in section 8.55.070.

(AO No. 2001-158(S-4), § 1, 1-1-03)

Section 10. Anchorage Municipal Code chapter 8.60, Gambling, is hereby amended
to read as follows (*the remainder of the chapter is not affected and therefore not set
out, omissions indicated by asterisks*):

Chapter 8.60 GAMBLING*

8.60.030 Engaging in gambling.

B. Violation of this section is a class B misdemeanor [SHALL, UPON
CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$2,000.00 OR
IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BOTH SUCH FINE AND
IMPRISONMENT].

(CAC 8.16.020; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.60.040 Advancing gambling activity.

B. Violation of this section is a class B misdemeanor [SHALL, UPON
CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$2,000.00 OR
IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BOTH SUCH FINE AND
IMPRISONMENT].

(CAC 8.16.030; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.60.050 Permitting gambling on own premises.

B. Violation of this section is a class B misdemeanor [SHALL, UPON
CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$2,000.00 OR

IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BOTH SUCH FINE AND
IMPRISONMENT].

(CAC 8.16.040; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.60.060 Possession of gambling device.

C. Violation of this section is a class B misdemeanor [SHALL, UPON
CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$2,000.00 OR
IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BOTH SUCH FINE AND
IMPRISONMENT].

(AO No. 89-52; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

Section 11. Anchorage Municipal Code chapter 8.65, Prostitution, is hereby
amended to read as follows (*the remainder of the section is not affected and
therefore not set out*):

Chapter 8.65 PROSTITUTION*

8.65.020 Practicing.

C. Violation of this section is a class A misdemeanor [SHALL, UPON
CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$10,000.00 OR
IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH SUCH FINE AND
IMPRISONMENT].

(CAC 8.14.020; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03;
AO No. 2009-61, § 1, 7-7-09)

8.65.030 Soliciting.

B. Violation of this section is a class A misdemeanor [SHALL, UPON
CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$10,000.00 OR
IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH SUCH FINE AND
IMPRISONMENT].

C. A motor vehicle that is operated, driven or in the actual physical control
of an individual during the commission of a [AN ALLEGED] violation of this
section is declared a public nuisance and upon conviction shall [MAY]
be impounded and may be forfeited to the municipality in accordance
with section 9.28.026.

(CAC 8.14.303; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03;
AO No. 2003-155, § 1, 6-1-04; AO No. 2004-61, § 1, 3-2-04)

8.65.040 Offering to secure another.

B. Violation of this section is a class A misdemeanor [SHALL, UPON
CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$10,000.00 OR
IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH SUCH FINE AND
IMPRISONMENT].

(CAC 8.14.040; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.65.050 Transporting for unlawful purposes.

B. Violation of this section is a class A misdemeanor [SHALL, UPON
CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$10,000.00 OR
IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH SUCH FINE AND
IMPRISONMENT].

(CAC 8.14.050; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.65.060 Maintaining place of prostitution.

B. Violation of this section is a class A misdemeanor [SHALL, UPON
CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$10,000.00 OR
IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH SUCH FINE AND
IMPRISONMENT].

(CAC 8.14.060; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.65.070 Owning or leasing place for purpose of prostitution.

B. Violation of this section is a class A misdemeanor [SHALL, UPON
CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$10,000.00 OR
IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH SUCH FINE AND
IMPRISONMENT].

(CAC 8.14.070; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.65.080 Accepting money from prostitute.

B. Violation of this section is a class A misdemeanor [SHALL, UPON
CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$10,000.00 OR
IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH SUCH FINE AND
IMPRISONMENT].

Deleted: ¶

chapter 8.35, Drug and Alcohol Offenses, as set forth in Section 4 of this ordinance. In accordance with AMC section 1.05.050B., the complete text of the affected chapter being repealed included in Exhibit A attached hereto.

Section 15. Anchorage Municipal Code section 9.04.010 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

9.04.010 Definitions.

A. Except as otherwise provided in this title or unless the context clearly indicates otherwise, the definitions of words and phrases in AS 11.81.900, AS 28.90.990, other sections in Title 28 of the Alaska Statutes, the Alaska Administrative Code in 2 AAC chapters 90 and 92, 13 AAC chapters 02 and 04, and 13 AAC 40.010 shall be the definitions of those same words and phrases used in this title.

B. The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. (CAC 9.04.010; AO No. 78-72)

Section 16. Anchorage Municipal Code section 9.10.100 is hereby amended to read as follows (*only the section title is amended*):

9.10.100 Interference at [ACCIDENT] scene of a crash or other emergency.

No person may proceed to the scene of a crash or other emergency or stop and park a vehicle or congregate in the vicinity thereof so as to interfere with police officers or other persons performing their duty at the scene of such crash or other emergency or for the purpose of advertising or offering any service not then immediately required at the crash scene.

(CAC 9.10.100; AO No. 78-72; AO No. 2011-113(S), § 14, 11-22-11, eff. 12-22-11)

Section 17. Anchorage Municipal Code section 9.18.070 is hereby amended to read as follows:

9.18.070 Operation of vehicles on approach of authorized emergency vehicles.

A. Upon the [IMMEDIATE] approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of Section 9.36.360[.D], and visual signals meeting the requirements of Section 9.44.190, or of a police vehicle properly and lawfully making use of either an audible or visual signal [ONLY], the driver of every vehicle proceeding in any direction shall yield the right-of-way by slowing and

pulling to the right hand edge of the roadway, clear of an intersection and stopping, to await the passage of the emergency vehicle [AND SHALL IMMEDIATELY DRIVE TO A POSITION PARALLEL TO, AND AS CLOSE AS POSSIBLE TO, THE RIGHTHAND EDGE OR CURB OF THE ROADWAY CLEAR OF ANY INTERSECTION AND SHALL STOP AND REMAIN IN SUCH POSITION UNTIL THE AUTHORIZED EMERGENCY VEHICLE HAS PASSED], except when otherwise directed by a police officer.

B. The driver of any motor vehicle who is being requested to stop, for a suspected or actual violation, through the use of visual signals meeting the requirements of Section 9.44.190, on an authorized emergency vehicle of the police department, shall comply with the requirements of subsection A of this section and shall remain stopped until otherwise directed by a police officer.

C. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street.

(CAC 9.18.070; AO No. 78-72; AO No. 89-52)

Section 18. Anchorage Municipal Code section 9.28.019 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

9.28.019 Valid operator's license required.

C. Upon conviction under subsection B of this section, the court:

1. Shall impose a minimum sentence of imprisonment:

a. If the person has not been previously convicted, of not less than ten days with ten days suspended, including a mandatory condition of probation that the defendant complete not less than 80 hours of community work service;

b. If the person has been previously convicted, of not less than ten days;

c. Notwithstanding [IN ADDITION TO THE PENALTIES PROVIDED IN] subsection a., if the person's driver's license, privilege to drive, or privilege to obtain a license was revoked under circumstances described in AS 28.15.181(c)(1), or if the person was driving in violation of a limited license issued under AS 28.15.201(d) following that revocation, of not less than [20 DAYS WITH] ten days [SUSPENDED], and a fine of not less than \$500.00, including a mandatory condition of probation that the defendant complete not less than 80 hours of community work service;

- d. In addition to the penalties provided in subsection a, if the person's driver's license, privilege to drive, or privilege to obtain a license was revoked under circumstances described in AS 28.15.181(c)(2), (3) or (4) or if the person was driving in violation of a limited license issued under AS 28.15.201(d) following that revocation, of not less than 30 days and a fine of not less than \$1,000.00;

(CAC 9.12.010; AO No. 267-76; AO No. 78-72; AO No. 78-230(S); AO No. 83-168, 10-17-83; AO No. 89-52; AO No. 91-57(S); AO No. 2001-72, § 1, 7-1-02; AO No. 2002-125, § 1, 8-20-02; AO No. 2003-73, §§ 6, 7, 4-22-03; AO No. 2003-106, §§ 1, 2, 7-1-03; AO No. 2009-61, § 4, 7-7-09; AO No. 2010-76, § 1, 10-26-10; AO No. 2010-81(S-1), § 5, 12-7-10, eff. 1-1-11; AO No. 2011-113(S), § 58, 11-22-11, eff. 12-22-11)

Section 19. Anchorage Municipal Code section 9.28.020 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

9.28.020 Operating under the influence--Prohibited; sentencing.

- A. It is unlawful for any person to commit the crime of operating under the influence.
- B. A person commits the crime of operating under the influence if the person operates a motor vehicle, aircraft, or watercraft:
1. While under the influence of an alcoholic beverage, inhalant, controlled substance as defined in AS 28.33.190 [AS 11.71.900], or other impairing substance, or any combination thereof; or

(AO No. 267-76; AO No. 78-72; AO No. 78-230(S); AO No. 80-122; AO No. 81-75; AO No. 82-126; AO No. 83-168, 10-17-83; AO No. 89-52; AO No. 91-56(S); AO No. 91-190; AO No. 94-68(S), § 11, 8-11-94; AO No. 95-84(S-1), §§ 1-9, 4-27-95; AO No. 95-163(S), §§ 1-5, 8-8-95; AO No. 97-72, § 1, 6-10-97; AO No. 97-87, § 1, 6-3-97; AO No. 2001-51, § 1, 2-27-01; AO No. 2001-150, § 1, 8-28-01; AO No. 2001-145(S-1), § 6, 12-11-01; AO No. 2002-125, § 2, 8-20-02; AO No. 2003-73, §§ 8, 9, 4-22-03; AO No. 2003-106, §§ 3, 4, 7-1-03; AO No. 2006-152, §§ 1, 2, 1-1-07; AO No. 2008-122, § 1, 12-16-08; AO No. 2009-61, § 5, 7-7-09; AO No. 2010-76, § 2, 10-26-10; AO No. 2010-81(S-1), § 6, 12-7-10, eff. 1-1-11; AO No. 2011-113(S), § 59, 11-22-11, eff. 12-22-11)

Section 20. Anchorage Municipal Code section 9.28.021 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

9.28.021 Driving under the influence--Implied consent to chemical test.

- 1
2 A. A person who operates, drives or is in actual physical control of a motor
3 vehicle within the municipality or who operates an aircraft as defined by
4 subSection 9.28.020E.1 or who operates a watercraft as defined by
5 subSection 9.28.020E.2 shall be considered to have given consent to a
6 chemical test of the person's breath for the purpose of determining the
7 alcoholic content of the person's blood or breath if lawfully arrested for
8 an offense arising out of acts alleged to have been committed while the
9 person was operating, driving or in actual physical control of a motor
10 vehicle or operating an aircraft or a watercraft under the influence. The
11 test shall be administered at the direction of a law enforcement officer
12 who has probable cause to believe that the person was operating,
13 driving or in actual physical control of a motor vehicle or operating an
14 aircraft or a watercraft in the municipality under the influence.
15
- 16 B. A person who operates or drives a motor vehicle, aircraft or watercraft
17 within the municipality shall be considered to have given consent to a
18 preliminary breath test for the purpose of determining the alcoholic
19 content of the person's blood or breath. A law enforcement officer may
20 administer a preliminary breath test at the scene of the incident if the
21 officer has probable cause to believe that a person's ability to operate a
22 motor vehicle, aircraft, or watercraft is impaired by the ingestion of
23 alcoholic beverages and that the person:
24
 - 25 1. Was operating or driving a motor vehicle, aircraft, or watercraft
26 that is involved in a crash;
27
 - 28 2. Committed a moving traffic violation or unlawfully operated an
29 aircraft or watercraft; in this section, unlawfully means in
30 violation of any federal, state, or municipal statute, regulation, or
31 ordinance, except for violations that do not provide reason to
32 believe that the operator's ability to operate the aircraft or
33 watercraft was impaired by the ingestion of alcoholic beverages;
34 or
35
 - 36 3. Was operating or driving a motor vehicle in violation of 9.36.200.
37
- 38 C. Before administering a preliminary breath test under subsection B., the
39 officer shall advise the person that refusal may be used against the
40 person in a civil or criminal action arising out of the incident and that
41 refusal is an infraction. If the person refuses to submit to the test, the
42 test shall not be administered.
43
- 44 D. The result of the test under subsection B. may be used by the law
45 enforcement officer to determine whether the driver or operator should
46 be arrested.
47
- 48 E. Refusal to submit to a preliminary breath test at the request of a law
49 enforcement officer as authorized by subsection B. is a minor offense
50 punishable as set forth in section 9.48.130 [AN INFRACTION].

F. If a driver or operator is arrested, the provisions of subsection A. apply.
The preliminary breath test authorized in this section is in addition to
any tests authorized under subsection A. of this section.

(AO No. 78-72; AO No. 79-194; AO No. 80-122; AO No. 82-126; AO No. 83-
168, 10-17-83; AO No. 89-52; AO No. 2001-51, § 1, 2-27-01; AO No. 2001-
150, § 3, 8-28-01; AO No. 2002-125, § 3, 8-20-02; AO No. 2011-113(S), § 60,
11-22-11, eff. 12-22-11)

Section 21. Anchorage Municipal Code section 9.28.022 is hereby amended to read
as follows (*the remainder of the section is not affected and therefore not set out,
some unaffected subsections included for context*):

**9.28.022 Driving under the influence--Refusal to submit to chemical
tests.**

A. If a person under arrest refused the request of a law enforcement
officer to submit to a chemical test under Section 9.28.021A, after
being advised by the officer that the refusal will, if that person was
arrested while operating or driving a motor vehicle for which a driver's
license is required, result in the denial or revocation of the license or
nonresident privilege to drive, that the refusal may be used against the
person in a civil or criminal action or proceeding arising out of an act
alleged to have been committed by the person while operating or
driving a motor vehicle or operating an aircraft or a watercraft under the
influence, and that the refusal is a misdemeanor, a chemical test shall
not be given, except as provided by Section 9.28.025.

B. The refusal of a person to submit to a chemical test of the person's
breath under subsection A of this section is admissible evidence in a
civil or criminal action or proceeding arising out of an act alleged to
have been committed by the person while operating, driving or in actual
physical control of a motor vehicle or operating an aircraft or watercraft
under the influence.

C. Refusal to submit to the chemical test of breath authorized by Section
9.28.021A is a misdemeanor.

F. For purposes of this section, convictions for both driving under the
influence and for refusal to submit to a chemical test of breath under
Section 9.28.021A, if arising out of a single transaction and a single
arrest, are considered one previous conviction.

(AO No. 82-126; AO No. 83-168, 10-17-83; AO No. 91-56(S); AO No. 91-190;
AO No. 95-84(S-1), §§ 10--17, 4-27-95; AO No. 95-163(S), §§ 6--9, 8-8-95;
AO No. 97-87, § 2, 6-3-97; AO No. 2001-51, § 1, 2-27-01; AO No. 2002-125, §

4, 8-20-02; AO No. 2003-73, §§ 10, 11, 4-22-03; AO No. 2003-106, §§ 5, 6, 7-1-03; AO No. 2008-122, § 2, 12-16-08; AO No. 2009-61, § 6, 7-7-09; AO No. 2010-76, § 3, 10-26-10 AO No. 2010-81(S-1), § 7, 12-7-10, eff. 1-1-11; AO No. 2011-113(S), § 61, 11-22-11, eff. 12-22-11)

Section 22. Anchorage Municipal Code chapter 9.28, Serious Traffic Offenses, is hereby amended by adding new sections 9.28.060, 9.28.070, and 9.28.080 to read as follows:

9.28.060 Minor operating a vehicle after consuming alcohol.

- A. A person who is at least 14 years of age but not yet 21 years of age commits the offense of minor operating a vehicle after consuming alcohol if the person operates or drives a motor vehicle or operates an aircraft or a watercraft after having consumed any quantity of alcohol. A peace officer who has probable cause to believe that a person has committed the offense of minor operating a vehicle after consuming alcohol may
1. place the person under arrest;
 2. request that the person submit to a chemical test or tests of the person's breath for the purpose of determining the alcoholic content of the person's blood or breath; and
 3. transport the person to a location at which a chemical or other test authorized under A.2. of this subsection may be administered.
- B. If a chemical test under this section reveals any alcohol concentration within the person's blood or breath, the person shall be cited for violating this section and then released unless there is a lawful reason for further detention. A person who is 18 years of age or older shall be released on the person's own recognizance. A person who is under the age of 18 shall be released to a parent, guardian, or legal custodian.
- C. A person who is cited for violating this section shall be advised by a peace officer that it is unlawful under Section 9.28.080 for the person to operate a motor vehicle, aircraft, or watercraft during the 24 hours following the issuance of the citation.
- D. If the minor
1. has not been previously convicted under this section, Section 9.28.070, or Section 9.28.080, upon conviction, the court shall impose a
 - a. fine of \$500; and
 - b. period of community work service of not less than 20 hours nor more than 40 hours; the community work

service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

2. has been previously convicted once under this section, Section 9.28.070, or Section 9.28.080, upon conviction, the court shall impose a

- a. fine of \$1,000; and
- b. period of community work service of not less than 40 hours nor more than 60 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

3. has been previously convicted two or more times under this section, Section 9.28.070, or Section 9.28.080, upon conviction, the court shall impose a

- a. fine of \$1,500; and
- b. period of community work service of not less than 60 hours nor more than 80 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service.

E. In this section, "operate a watercraft" has the meaning given in Section 9.28.020E.

9.28.070 Minor's refusal to submit to chemical test.

A. If a person under arrest for minor operating a vehicle after consuming alcohol refuses the request of a peace officer to submit to a chemical test or tests of the person's breath authorized under Section 9.28.021A. and Section 9.28.060A., after being advised by the officer that the refusal will result in the denial or revocation of the driver's license, privilege to drive, or privilege to obtain a license, that the refusal may be used against the person in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while operating a vehicle after consuming alcohol, and that the refusal is a criminal offense, a chemical test may not be given.

- B. A person who is cited for violating this section shall be advised by a peace officer that it is unlawful under Section 9.28.080 for the person to operate a motor vehicle, aircraft, or watercraft during the 24 hours following the issuance of the citation.
- C. The refusal of a minor to submit to a chemical test authorized under Section 9.28.021A. and Section 9.28.060A. is admissible evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while operating a vehicle after consuming alcohol.
- D. If the minor
 1. has not been previously convicted under this section, Section 9.28.060, or Section 9.28.080, upon conviction, the court shall impose a
 - a. fine of \$500; and
 - b. period of community work service of not less than 20 hours nor more than 40 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;
 2. has been previously convicted once under this section, Section 9.28.060, or Section 9.28.080, upon conviction, the court shall impose a
 - a. fine of \$1,000; and
 - b. period of community work service of not less than 40 hours nor more than 60 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;
 3. has been previously convicted two or more times under this section, Section 9.28.060, or Section 9.28.080, upon conviction, the court shall impose a
 - a. fine of \$1,500; and
 - b. period of community work service of not less than 60 hours nor more than 80 hours; the community work service under this subparagraph must be related to

education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service.

9.28.080 Minor driving during the 24 hours after being cited for alcohol or breath test offenses.

A. A person who has been cited for minor operating a vehicle after consuming alcohol under Section 9.28.060 or for minor's refusal to submit to a chemical test of breath under Section 9.28.070 may not operate a motor vehicle, aircraft, or watercraft during the 24 hours following issuance of the citation.

B. If the minor

1. has not been previously convicted under this section, Section 9.28.060, or Section 9.28.070, upon conviction, the court shall impose a

- a. fine of \$500; and
- b. period of community work service of not less than 20 hours nor more than 40 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

2. has been previously convicted once under this section, Section 9.28.060, or Section 9.28.070, upon conviction, the court shall impose a

- a. fine of \$1,000; and
- b. period of community work service of not less than 40 hours nor more than 60 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

3. has been previously convicted two or more times under this section, Section 9.28.060, or Section 9.28.070, upon conviction, the court shall impose a

- a. fine of \$1,500; and

- b. period of community work service of not less than 60 hours nor more than 80 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service.

- C. In this section, "operate a watercraft" has the meaning given in Section 9.28.020E.

Section 23. Anchorage Municipal Code section 9.36.170 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

9.36.170 Unlawful riding.

- A. No person driving a motor vehicle shall knowingly permit any person to ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.
- B. No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.
- C. Subsections A. and B. of this section shall not apply to any employee engaged in the necessary discharge of the employee's duty.
- D. Subsections A. and B. of this section shall not apply to a person riding completely within or upon vehicle bodies in space intended for any load on the vehicle if the person is seated on the bed or floor of the vehicle or upon a seat built below the level of sideboards of the vehicle, or within truck bodies in space intended for merchandise.

(CAC 9.36.170; AO No. 78-72; AO No. 89-52; AO No. 94-68(S), § 28, 8-11-94; AO No. 2011-113(S), § 98, 11-22-11, eff. 12-22-11)

Section 24. Anchorage Municipal Code section 9.48.010 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

9.48.010 Penalties.

- A. Unless another penalty is expressly provided by this title, a person convicted of violating a provision of this title shall be punished by a fine of not more than \$500.00.
1. [NOTWITHSTANDING THE PROVISIONS OF SECTION A., UPON CONVICTION OF FAILURE TO OBEY A RED TRAFFIC SIGNAL, INCLUDING THE FAILURE TO STOP FOR A STEADY RED SIGNAL OR STEADY RED ARROW UNDER SECTION 9.14.040, OR FAILURE TO STOP FOR A

FLASHING RED LIGHT UNDER SECTION 9.14.060, THE COURT OR
HEARING OFFICER SHALL IMPOSE A FINE NOT TO EXCEED \$200.00.]

[2.] Notwithstanding section A., fines stated as an amount per mile
over a designated speed limit established under Chapter 9.26
are calculated according to the fine schedule and not subject to
the maximum fine amount in this section.

B. (Reserved) [ANY PERSON CONVICTED OF A VIOLATION OF ANY PROVISION OF
CHAPTER 9.38, PERTAINING TO BICYCLES, SHALL BE PUNISHED BY A FINE OF
NOT MORE THAN \$100.00 OR BY REMOVAL AND DETENTION OF THE LICENSE
PLATE FROM SUCH PERSON'S BICYCLE FOR A PERIOD NOT TO EXCEED 60
DAYS].

C. Any person convicted of violating the following sections shall be
punished by imprisonment for not more than 90 days, or by a fine of not
more than \$2,000.00, or by both such fine and imprisonment:

1. Chapter 9.10 (Crashes and Crash Reporting): Sections
9.10.060, 9.10.070, 9.10.090, and 9.10.100. [SECTIONS 9.10.020
B., 9.10.020 C., AND 9.10.080, EXCEPT IMPRISONMENT MAY BE NOT
MORE THAN ONE YEAR FOR THESE OFFENSES.]

2. Chapter 9.12 (Driver's License): Section 9.12.050.

3. Chapter 9.14 (Traffic Signs, Signals and Markings): Sections
9.14.090 and 9.14.075.

4. Chapter 9.28 (Serious Traffic Offenses): Sections 9.28.030A.

D. Any person convicted under the following sections shall be punished by
imprisonment for not more than one year, or by a fine of not more than
\$10,000.00, or by both such fine and imprisonment:

1. Chapter 9.10 (Crashes and Crash Reporting): Sections 9.10.020
and 9.10.080 [9.10.020 A, EXCEPT IMPRISONMENT MAY BE FOR NOT
MORE THAN TEN YEARS].

2. Chapter 9.28 (Serious Traffic Offenses): Sections 9.28.010,
9.28.011, 9.28.019B., 9.28.020, 9.28.022C., and 9.28.050.

E. Any minor convicted under the following sections shall be punished by
a fine of not more than \$1,500 and community work service of not more
than 80 hours, as may be prescribed in the section defining the
offense:

1. Chapter 9.28 (Serious Traffic Offenses): Sections 9.28.060,
9.28.070, and 9.28.080.

[ANY PERSON CONVICTED OF VIOLATING THE FOLLOWING SECTIONS SHALL BE

PUNISHED BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BY A FINE OF
NOT MORE THAN \$500.00, OR BY BOTH SUCH FINE AND IMPRISONMENT.]

[1. CHAPTER 9.10 (CRASHES AND CRASH REPORTING): SECTIONS
9.10.060, 9.10.070, 9.10.090, AND 9.10.100.]

F. No provision of this title is intended to affect the authority of the court
under state law to revoke, suspend or limit the operator's license of a
person who has been convicted of violating a provision of this title.

(CAC 9.48.010; AO No. 267-76; AO No. 78-72; AO No. 82-126; AO No. 82-
186(S); AIM 33-83; AO No. 83-168; AO No. 84-60; AO No. 89-52; AO No. 99-
15, § 2, 2-9-99; AO No. 2003-73, § 17, 4-22-03; AO No. 2004-151, § 2, 1-1-
05; AO No. 2006-89(S), § 3, 6-6-06; AO No. 2009-61, § 7, 7-7-09; AO No.
2011-113(S), § 155, 11-22-11, eff. 12-22-11; AO No. 2012-16, §§ 2, 5, 2-14-
12, retro eff. 12-22-11)

Section 25. Anchorage Municipal Code chapter 9.48, Penalties and Procedure
on Arrest, is hereby amended by adding a new section to read as follows:

9.48.125 Scheduled fine amounts not to be reduced.

When a person pleads guilty or nolo contendere to, or is convicted of, a motor
vehicle or traffic offense and a corresponding fine amount is established in the
Schedule of Traffic Offense Fines in section 9.48.130, the sentence imposed
shall be the scheduled fine and any applicable surcharges. Reduction of the
scheduled fine amount is prohibited pursuant to Alaska Rules of Minor
Offense Procedure 10(a).

Section 26. Anchorage Municipal Code section 9.48.130 is hereby amended to read
as follows (*the remainder of the section is not affected and therefore not set out, text
included for context*):

**9.48.130 Traffic offenses fine schedule [VEHICULAR OFFENSES AMENABLE
TO DISPOSITION WITHOUT COURT APPEARANCE BY PAYMENT OF A
FINE, OFFENSES REQUIRING COURT APPEARANCE, OR OFFENSES
CORRECTABLE WITHOUT FINE OR APPEARANCE].**

In accordance with AS 28.05.151, a citation issued for violation of any of the
following sections of this title shall be subject to disposition with payment of a
fine and any applicable surcharges in lieu of a court appearance or as
otherwise prescribed. Violations committed within a highway work zone or a
traffic safety corridor shall be subject to double the fine amount indicated.
Pursuant to AS 28.05.151(e), an offense listed on this schedule may not be
disposed of without court appearance if the offense is in connection with a
motor vehicle crash that results in the death of a person. Notwithstanding any
other provision of this Code, fines stated as an amount per mile over a
designated speed limit established under Chapter 9.26 are calculated
according to the fine schedule and not subject to the maximum fine amount in

this Section 9.48.010 A.

*** **

TABLE INSET:

Title	Section	Fine Amount
*** **	*** **	*** **
DRIVER'S LICENSE		
*** **	*** **	*** **
[UNLAWFUL USE OF OPERATOR'S LICENSE]	[9.12.050]	[MAND/CR]
*** **	*** **	*** **
SPEED RESTRICTIONS		
*** **	*** **	*** **
[RACING ON STREETS]	[9.26.080.A]	[MAND]
SERIOUS TRAFFIC OFFENSES		
[RECKLESS DRIVING]	[9.28.010.A]	[MAND/CR]
[ELUDING A POLICE OFFICER]	[9.28.011]	[MAND/CR]
Careless driving	9.28.015	300.00
No valid operator's license	9.28.019 A.	[\$]300.00
[DRIVE WHILE LICENSE CANCELED, SUSPENDED OR REVOKED]	[9.28.019 B]	[MAND/CR]
[DRIVING UNDER THE INFLUENCE]	[9.28.020.A]	[MAND/CR]
<u>Refusal to submit to preliminary breath test</u>	<u>9.28.021E.</u>	<u>\$100</u>
[REFUSAL TO SUBMIT TO CHEMICAL TEST]	[9.28.022.C]	[MAND/CR]
Failure to return a vehicle that has been released under a vehicle return bond	9.28.027	300.00
[DRIVING W/O INSURANCE OR SECURITY IN EFFECT]	[9.28.030 A.]	[MAND/CR]
Driving w/o proof of insurance or other security	9.28.030.B	Corr./500.00
*** **	*** **	*** **

BICYCLES		
Parent responsible for child's compliance with 9.38	9.38.010	100.00
Applicability of traffic laws to riders	9.38.020	50.00
***	***	***
Bicycle--Alteration of serial number or registration	9.38.190	50.00
<u>Wearing of bicycle helmets.</u>	9.38.200: 2 nd and subsequent offenses	Corr /25.00
***	***	***
OFF-HIGHWAY VEHICLES (O.H.V.)		
***	***	***
[O.H.V.--OPERATION WHILE UNDER INFLUENCE OF ALCOHOL, DRUGS OR COMBINATION]	[9.42.020.A.4]	[SEE 9.28.020]
***	***	***
VEHICLE REGISTRATION AND LICENSES		
Misuse of license plates, impound	9.52.010.A	125.00
No registration in vehicle	9.52.020	Corr/40.00
Vehicles to be licensed	9.52.030	90.00
Front plate required	9.52.030A.2.	Corr./90.00
<u>Expired registration decal</u>	<u>9.52.030A.3.</u>	<u>Corr/90.00</u>
Obscured, tinted or dirty license plates	9.52.040	Corr/75.00

1 Categories of traffic offenses:

2 TABLE INSET:

Corr	=	A correctable/dismissible offense. A citation for one of these offenses may be dismissed (or voided) if proof of correction is presented to an inspection official. If the required repair is not made and shown to an inspecting officer within the specified time, the citation converts to a set fine in the amount indicated and must be resolved under Section 9.48.030. A citation for violating Section 9.28.030 B. for not having proof of insurance or other security shall be dismissed if the person cited produces such proof in accordance with that section. A citation for violating 9.36.045.D for not having proof of a medical prescription or medical certification shall be dismissed if the person cited produces such proof in accordance with that subsection.
[MAND/CR]	[=]	[A MISDEMEANOR WHICH REQUIRES A MANDATORY APPEARANCE IN COURT FOR ARRAIGNMENT. A DEFENDANT CHARGED WITH A MISDEMEANOR FOR WHICH NO BAIL FORFEITURE AMOUNT HAS BEEN SET HAS A RIGHT TO A JURY TRIAL AND, IF INDIGENT, A LAWYER AT GOVERNMENT EXPENSE.]

(CAC 9.48.060; AO No. 78-72; AO No. 88-12; AO No. 88-167; AO No. 88-180; AO No. 89-134; AO No. 90-24; AO No. 94-68(S), § 38, 8-11-94; AO No. 95-67(S), § 5, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-117, § 3, 6-29-95; AO No. 95-163(S), § 20, 8-8-95; AO No. 99-15, § 1, 2-9-99; AO No. 2000-130, § 2, 9-12-00; AO No. 2001-51, § 1, 2-27-01; AO No. 2001-145(S-1), § 8, 12-11-01; AO No. 2003-157, § 2, 12-17-03; AO No. 2004-63, § 2, 4-13-04; AO No. 2011-113(S), § 160, 11-22-11, eff. 12-22-11; AO No. 2012-16, § 6, 2-14-12, retro eff. 12-22-11; AO No. 2013-41(S-1), § 2, 4-23-13)

Section 27. Anchorage Municipal Code section 9.52.020 is hereby amended to read as follows:

9.52.020 Registration to be carried in vehicle.

A. It is unlawful to drive any motor vehicle in the municipality which is required by the state to be licensed unless a valid [the] vehicle registration certificate for the current registration period issued by the state is carried in the [that] vehicle, and is available for inspection by a peace officer.

B. No person charged with violating subsection A may be convicted if the person produces in court, or at the Anchorage Police Department at

(AO No. 78-72)

9.52.030 Vehicle licenses.

3. Have the current prospective month and year of expiration affixed to the license plate as required by the state. No person shall be convicted under this subsection for a registration decal displayed that has expired if the person presents to an inspection official, or at the Anchorage Police Department at designated locations, proof of correction by obtaining current registration decals and affixing them to the license plate(s) not later than three months after the date of expiration for which the citation was issued.

(AO No. 78-72; AO No. 89-52; AO No. 94-68(S), § 39, 8-11-94; AO No. 2011-113(S), § 163, 11-22-11, eff. 12-22-11)

No motor vehicle may be operated or parked on a street, highway or vehicular way or area within the municipality with any number, letter, or registration decal or sticker of a license plate obscured or covered by dirt or debris, a tinted or shaded cover plate, any nontransparent covering, or any coating not provided by the manufacturer of the license plate. No person shall be charged if the person immediately removes any obstructing dirt or debris at the request of the police officer stopping the person for such offense. No person charged

with violating this section for obscuring or covering by a tinted or shaded cover plate, any nontransparent covering, or any coating not provided by the manufacturer of the license plate may be convicted if the person presents proof of correction to an inspection official in accordance with sections 9.48.040 and 9.48.130.

(AO No. 89-52; AO No. 2011-113(S), § 164, 11-22-11, eff. 12-22-11)

Section 30. Anchorage Municipal Code section 14.60.020 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

14.60.020 Application of fine schedule.

D. Notwithstanding subsection A. of this section, a person [MINOR] upon whom a civil fine or a civil penalty for violation of Section 14.70.040 (Minors: possession of tobacco products), Section 14.70.050 (Underage drinking), or Section 14.70.060 (Minors: curfew) [SECTION 8.75.060 (MINORS—CURFEW) OR SECTION 8.75.080 (MINORS—POSSESSION OF TOBACCO PRODUCTS)] has been imposed may elect to satisfy a maximum of \$250.00 [\$150.00] of such fine or penalty by performing community work service as assigned by the municipality's department responsible for the community work service assignments [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 person [MINOR] chooses to begin the community work service prior to issuance of a final order, within 60 days of reporting for community work service.

1. Any citation for a violation of Section 14.70.040 (Minors: possession of tobacco products), Section 14.70.050 (Underage drinking), or Section 14.70.060 (Minors: curfew) [SECTION 8.75.060 OR OF SECTION 8.75.080] shall include information advising how a person [MINOR] may elect to perform community work service in accordance with this subsection.
2. Community work service includes work on projects designed to reduce or eliminate environmental damage, protect the public health, or improve public lands, forests, parks, roads, highways, facilities, or education. Community work may not confer a private benefit on a person except as may be incidental to the public benefit.
3. Credit shall be given for all community work service hours completed by the person [DEFENDANT] within the 60-day period. The community work service time will be credited against the fine at the rate used for other community work assignments. Any balance due on the fine shall be sent to the treasury division of

the municipality's finance department for collection with interest
accruing from that date.

(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 97-107, § 2, 11-17-97; AO No. 98-8, § 1, 1-27-98; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2007-50, § 3, 4-10-07)

Section 31. Anchorage Municipal Code section 14.60.030 is hereby amended to read as follows *(the remainder of the section is not affected and therefore not set out)*:

14.60.030 Fine schedule.

The fine schedule under this chapter is as follows:

TABLE INSET:

Code Section	Offense	Penalty/Fine
* * *		
[8.15.010A.]	[THEFT UNDER \$50.00]	[UP TO 500.00]
[8.20.030]	[GRAFFITI:]	
	[FIRST OFFENSE]	[500.00]
	[SECOND AND SUBSEQUENT OFFENSES]	[1,000.00]
[8.30.090]	[FAILURE TO APPEAR]	[75.00]
[8.35.100 C. OR 8.35.100 D.]	[POSSESSION OR USE OF SYNTHETIC CANNABINOID]	[150.00 FOR THE FIRST VIOLATION; 300.00 FOR THE SECOND VIOLATION; 600.00 FOR SUBSEQUENT VIOLATIONS]
[8.35.110 C.]	[MANUFACTURE, ASSEMBLE, DISTRIBUTE, SELL, MARKET, DISPLAY FOR SALE, OR OFFER FOR SALE ANY AMOUNT OF AN ILLEGAL SYNTHETIC COMPOUND]	[5,000.00 FOR EACH SEPARATE VIOLATION]
[8.35.110 E.]	[POSSESSION OR USE OF ILLEGAL SYNTHETIC COMPOUND]	[500.00 FOR EACH SEPARATE VIOLATION]

[8.40.020]	[FALSE ALARM AND ALARM REGISTRATION VIOLATIONS]	[100.00]
[8.70.020]	[MISUSE OF LIBRARY MATERIAL]	[50.00--300.00]
[8.75.010]	[SALE OR FURNISHING OF ALCOHOL TO CERTAIN PERSONS]	[UP TO 500.00]
[8.75.020]	[CONSUMING ALCOHOLIC BEVERAGES IN A PUBLIC PLACE]	[UP TO 100.00]
[8.75.030]	[INTOXICATED PERSONS ON ROADWAY]	[UP TO 500.00]
[8.75.040]	[FIREWORKS]	[300.00]
[8.75.050]	[LITTERING AND DEFACING]	[75.00]
[8.75.060]	[CURFEW]	[75.00--300.00]
[8.75.065]	[HABITUAL TRUANCY]	[75.00--300.00]
[8.75.070]	[SALE OF TOBACCO TO MINORS]	[300.00]
[8.75.080]	[MINORS--POSSESSION OF TOBACCO PRODUCTS]	[75.00--300.00]
[8.75.100]	[RESTRICTIONS ON SALES OF TOBACCO AND TOBACCO PRODUCTS]	[300.00]
[8.75.110]	[MINORS ON PREMISES OF DATING OR ESCORT SERVICE]	[300.00]
[8.75.120]	[PUBLIC EXCRETION]	[150.00]
[8.75.130]	[SWITCHBLADE KNIVES]	[150.00]
[8.75.140]	[UNAUTHORIZED DUPLICATION OF KEYS]	[75.00]
[8.75.150]	[REMAINING IN A GAMBLING PLACE]	[300.00]
[8.75.160]	[SHOPLIFTING UNDER \$5.00]	[UP TO \$500]
[8.75.170 B.]	[PROHIBITED PANHANDLING]	[UP TO 300.00]
[8.75.180]	[SITTING/LYING DOWN ON SIDEWALKS IN DOWNTOWN IMPROVEMENT DISTRICT]	[UP TO 100.00]

[10.50.010]	[CLOSING HOURS FOR LICENSED PREMISES:]	
	[____A.]	[SERVICE OR CONSUMPTION]
	[____B.]	[SALES]

12.45.090	Failure to pay		
	<u>_____A.</u>	Failure to pay	75.00
<u>14.70.010</u>	<u>Sale of single cigarettes and other unpackaged or unlabeled tobacco products</u>		<u>300.00</u>
<u>14.70.020</u>	<u>Restrictions on manner of selling tobacco and tobacco products</u>		<u>300.00</u>
<u>14.70.030</u>	<u>Sale of tobacco to minors</u>		<u>300.00</u>
<u>14.70.040</u>	<u>Minors: possession of tobacco products</u>		<u>100.00</u>
<u>14.70.050</u>	<u>Underage drinking</u>		<u>250.00</u> -- <u>400.00</u>
<u>14.70.060</u>	<u>Minors: curfew</u>		<u>100.00</u>
<u>14.70.070</u>	<u>Minors on premises of dating or escort service</u>		<u>300.00</u>
<u>14.70.080</u>	<u>Remaining in gambling place</u>		<u>300.00</u>
<u>14.70.090</u>	<u>Misuse of library material</u>		<u>100.00</u>
<u>14.70.100</u>	<u>Graffiti and related vandalism:</u>		
		<u>First offense</u>	<u>500.00</u>
		<u>Second and subsequent offenses</u>	<u>1,000.00</u>
<u>14.70.110</u>	<u>Littering or defacing</u>		<u>75.00</u>
<u>14.70.120</u>	<u>Public excretion</u>		<u>150.00</u>
<u>[14.70.130]</u>	<u>[Switchblade or gravity knives]</u>		<u>[150.00]</u>
<u>14.70.140</u>	<u>Unauthorized duplication of keys</u>		<u>75.00</u>
<u>14.70.150</u>	<u>Shoplifting under \$5.00</u>		<u>200.00</u>
<u>14.70.160</u>	<u>Prohibited panhandling</u>		<u>300.00</u>
<u>14.70.170</u>	<u>Sitting/lying on sidewalks in Downtown Improvement District</u>		<u>100.00</u>
<u>14.70.180</u>	<u>Fireworks</u>		<u>300.00</u>
<u>14.70.190D.</u>	<u>False alarms</u>		
		<u>D.1.a.: First false alarm, each location</u>	<u>No fine</u>
		<u>D.1.b.: Each subsequent false alarm:</u>	
		<u>i.: Fire dept.</u>	<u>500.00</u>
		<u>ii.(A): Police, 2nd and</u>	<u>125.00</u>

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			<u>3rd response</u>	
			<u>ii.(B): Police, subsequent responses</u>	<u>25.00 more than prior false alarm charge</u>
<u>14.70.190F.1.</u>	<u>Alarm registration violations</u>			<u>2,000.00</u>
15.10.010	AAC: Cross references; any offenses under this section (cite specific section)			75.00

*** *** ***			
[15.35.050]	[STATIONARY EMISSIONS:]		
	[_____A.]	[EXCEEDING 20 PERCENT OPACITY]	[75.00]
[15.35.060]	[EMISSION STANDARDS (IDENTIFYING SPECIFIC VIOLATION)]		[75.00]
[15.35.070]	[OTHER EMISSION LIMITATIONS:]		
	[_____A.]	[INJURIOUS RELEASE]	[75.00--300.00]
[15.35.080]	[CIRCUMVENTION (IDENTIFY SPECIFIC VIOLATION)]		[75.00]
[15.35.090]	[FUGITIVE EMISSIONS:]		
	[_____A.]	[FAILURE TO TAKE MEASURES]	[75.00]
	[_____B.]	[FAILURE TO TAKE MEASURES]	[75.00]
	[_____C.]	[FAILURE TO TAKE MEASURES]	[75.00]
[15.35.100]	[OPEN BURNING:]		
	[_____A.]	[ALLOWING OPEN BURNING]	[75.00]
15.35.140	Motor vehicle emissions (identifying specific violation)		
*** *** ***			
15.65.025	Restrictions on discharges:		

	_____A.	Improper discharge	75.00
	_____B.	Improper <u>hindrance</u> [HINDERANCE]	75.00
*** *** ***			

(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO No. 2009-122, § 2, 12-17-09; AO-2010-35(S), § 7, 5-11-10; AO No. 2010-39, § 2, 5-11-10; AO No. 2010-87(S), § 3, 12-7-10; AO No. 2011-46, § 4, 4-12-11; AO No. 2011-59, § 10, 5-24-11; AO No. 2011-106(S), § 3, 11-8-11; AO No. 2011-112, § 4, 11-22-11, eff. 12-22-11; AO No. 2012-10, § 1, 1-31-12; AO No. 2012-77, § 29, 8-7-12)

Section 32. Anchorage Municipal Code Title 14 is hereby amended to add a new chapter, 14.70 Civil Violations, to read as follows:

Chapter 14.70 CIVIL VIOLATIONS

14.70.010 Sale of single cigarettes and other unpackaged or unlabeled tobacco products.

A. It is unlawful for any person doing business within the municipality to knowingly sell, offer to sell, or distribute any cigarette or tobacco product except in a sealed package properly labeled with the health warning label and other labels or stamps required by federal law (15 USC 1331 *et seq.*, 26 USC 5751(a)(3)) and regulations.

B. Violation of this section shall be punishable by a civil penalty in

accordance with chapter 14.60.

(AO No. 95-181, § 1, 9-26-95; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

14.70.020 Restrictions on the manner of selling tobacco and tobacco products.

A. Definitions.

1. "Retail adults-only tobacco store" means any retail establishment which:
 - a. Primarily sells tobacco and tobacco products while only incidentally offering other products;
 - b. Prohibits any person under the age of 19 from entering such retail establishment unless such person under 19 years of age is accompanied by a parent or legal guardian;
 - c. Has not been the site of two or more citations for a violation of this section in the previous 180 days unless all or all but one of such citations are overturned on appeal; and
 - d. Posts one or more signs described in the next sentence visible from any entrance to such retail establishment.
 - i. Each of the sign(s) referenced in this subsection shall be at least six inches by 18 inches; must state that it is a retail adults-only tobacco store; must read, in lettering at least 1.25 inches high, "The sale of tobacco products to persons under age 19 is illegal"; and must state that no person under 19 years of age may enter the retail establishment unless such person under 19 years of age is accompanied by such person's parent or legal guardian.

B. Except for a retail adults-only tobacco store, it is unlawful for a person negligently to sell cigarettes, cigars, tobacco, or a product containing tobacco in any manner that allows any person but the sales clerk to control access to the cigarettes, cigars, tobacco, or product containing tobacco prior to sale.

1. Subsection B. of this section does not apply to wholesale transactions in which the person selling the cigarettes, cigars, tobacco, or products containing tobacco is licensed as a manufacturer or distributor under AS 43.50.010.
2. Subsection B. of this section does not apply to sales by vending machines which are located:
 - a. As far as practical from any entrance on the inside of the licensed premises of a valid, existing beverage

dispensary license, a club license, or a package store license issued under Alaska Statutes 4.11.090, 4.11.110, and 4.11.150 respectively; and

- b. The location described in subsection B.2.a. of this section is directly and continually supervised by a person employed on the licensed premises when the vending machine is accessible to the public.

C. Any owner of a retail adults-only tobacco store or agent or employee of such owner that allows any person but the sales clerk to have access to the cigarettes, cigars, tobacco, or product containing tobacco prior to sale shall not negligently allow any person under the age of 19 to enter or remain in the premises of the retail adults-only tobacco store unless such person under 19 years of age is accompanied by a parent or legal guardian.

D. Not later than seven days after the date of the citation, the chief of police or a designee shall notify the owner of record of any retail establishment of a citation under this section given to any owner or agent or employee of such owner for a violation alleged to have occurred at such retail establishment.

E. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60.

(AO No. 97-133(S), § 1, 11-11-97; AO 98-27(S-1), §1, 3-3-98; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

14.70.030 Sale of tobacco products to minors.

A. It is unlawful for any person 19 years of age or older to negligently sell, exchange or give cigarettes, cigars or tobacco in any form to any person under 19 years of age.

B. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60.

(GAAB 18.05.010.X; AO No. 95-178, § 1, 9-26-95; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

14.70.040 Minors: possession of tobacco products.

A. A person under 19 years of age may not knowingly possess a cigarette, a cigar, tobacco, or any product containing tobacco.

B. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60.

(AO No. 95-178, § 2, 9-26-95; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-

73, § 3, 4-22-03)

14.70.050 Underage drinking.

- A. It is unlawful for any person under the age of 21 years to knowingly drink an alcoholic beverage, except when furnished by persons under AS 04.16.051(b). If a person was previously adjudicated under this section, they may not again be adjudicated under this section. The Administrative Hearing Officer shall refer any citation issued under this section against a person previously adjudicated under this section to the Municipal Prosecutor's office for action under Title 8 of this code.
- B. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60.

Cross references: Section 8.35.416.050.

14.70.060 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:

1. 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.
 - c. 9:00 a.m. until 2:00 p.m. on any day that the Anchorage School District is in session and schools are operating.
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:

1. 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 the person's 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 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.*

1. A minor commits an offense if the minor, without the consent of the minor's parent or guardian, remains in any public place or on the premises of any establishment within the municipality during curfew hours.

2. The owner, operator, or any employee of an establishment commits an offense if the owner, operator or employee 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. *Defenses.*

1. It is a defense to prosecution under subsections B.1. and B.2. of this section if the minor was:
- a. Accompanied by the minor's parent or guardian;
 - b. Involved in an emergency;
 - c. Engaged in an employment activity, or going to or returning from an employment activity, without detour or stop;
 - d. 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. Attending, or going to or from any lawful activity with the consent of the minor's parent or guardian;
 - f. 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;
 - g. Married or had disabilities of minority removed in accordance with AS 9.55.590;
 - h. Engaged in a school function or school-related activity, or is on a scheduled school lunch break, if the minor is enrolled as a student in the Anchorage School District; or
 - i. Not enrolled as a student in the Anchorage School District.
2. It is an exception to prosecution under subsection B.2. 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 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; AO No. 2001-74(S), § 1, 4-17-01; AO No. 2003-73, § 3, 4-22-03)

14.70.070 Minors prohibited on dating and escorting services' premises.

- A. In a business establishment that arranges dates or escorts for clients it is unlawful for minors to knowingly be on the premises. Legible signs

shall be posted on the premises stating that no minors are allowed.

- B. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60.

(AO No. 87-119; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

14.70.080 Remaining in gambling place.

- A. It is unlawful for any person to enter, attend, remain in or reside in a place, building, structure, vehicle or mobile home with the intent, aim or purpose of engaging in, promoting, facilitating or encouraging the practice of gambling and with knowledge that such place, building, structure, vehicle or mobile home is being used for the purpose of gambling.

- B. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60.

(CAC 8.16.050; AO No. 89-52; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

14.70.090 Misuse and abuse of library material.

- A. Prohibited acts.

1. No person may take or retain any property which is owned by or in the custody of the Anchorage Library System in violation of a rule promulgated by the municipal librarian pursuant to section B.
2. No person may intentionally cut, tear, deface, break, injure, disfigure, damage, or destroy property which is owned by or in the custody of the Anchorage Library System.

- B. *Library rules.* The municipal librarian may promulgate reasonable rules pertaining to the use of property and facilities of the Anchorage Library System.

- C. *Penalties.* Each violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60. This penalty shall be in addition to any other fines or fees under chapter 3.101.

- D. As used in this section, the term "Anchorage library system" means each facility subject to the administrative authority of the municipal librarian.

(AO No. 83-121; AO No. 93-167(S-1), § 7, 4-13-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

14.70.100 Graffiti and related vandalism.

- A. *Purpose and intent.* It is the purpose and intent of this section to prevent graffiti and to promote its eradication, and to prevent related vandalism, as graffiti and related vandalism adversely affects property, both public and private. It is the further intent of this section to fight against blight, to preserve the value of property, both public and private, and to promote the security of the community, all of which are threatened by graffiti and graffiti-related vandalism.
- B. *Definitions.* For the purpose of this section, the following definitions shall apply:
1. *Aerosol paint container* means any canister, can, bottle, container or other receptacle which contains any substance commonly known as paint, stain, dye or other pigmented substance which is or can be modified to contain pressure, or be pressurized, in order to impel or propel any such substance.
 2. *Graffiti* means any inscription, symbol, design or configuration of letters or numbers written, drawn, etched, marked, painted, stained, stuck on or adhered to any surface on public or private property without the express permission of the owner of such property, including but not limited to trees, signs, poles, fixtures, utility boxes, walls, paths, walks, streets, underpasses, overpasses, bridges, trestles, buildings or any other structures or surfaces.
 3. *Graffiti implement* means any implement capable of marking a surface to create graffiti, including but not limited to aerosol paint containers, markers and gum labels.
 4. *Gum label* means any material such as, but not limited to, decals, stickers, posters or labels which contain a substance commonly known as adhesive or glue, which cannot be removed from the surface in an intact condition and with minimal efforts.
 5. *Marker* means any indelible or permanent marker, or similar implement containing an ink that is not water soluble.
- C. *Prohibition of graffiti.* It is unlawful for any person to intentionally or knowingly commit any overt act resulting in or attempting to result in application of graffiti on any surface on public or private property without the express permission of the owner of such property, including but not limited to trees, signs, poles, fixtures, utility boxes, walls, paths, walks, streets, underpasses, overpasses, bridges, trestles, buildings or any other structures or surfaces.

- 1 D. *Possession of graffiti implements.* It is unlawful for any person to
2 intentionally or knowingly possess any graffiti implement while on public
3 or private property without the express consent of the owner of such
4 property, in a manner that warrants a justifiable and reasonable alarm
5 or immediate concern for the safety of property in the vicinity. Among
6 the circumstances which may be considered by the enforcement officer
7 in determining whether such alarm or immediate concern is warranted,
8 is the fact that the person takes flight upon appearance of an
9 enforcement officer, refuses to identify oneself, or manifestly
10 endeavors to conceal oneself or the graffiti implement. Prior to any
11 citation being issued to a person for a violation of this subsection, such
12 person shall be afforded an opportunity by the enforcement officer to
13 dispel any alarm or immediate concern which could otherwise be
14 warranted by requesting such person to identify themselves and explain
15 the person's presence and conduct.
- 16
- 17 E. *Parental civil liability.* Any act in violation of subsection C. or D. of this
18 section committed by a minor under the age of 18 years shall be
19 imputed to that minor's parent or legal guardian. A parent or legal
20 guardian of a minor who violates subsection C. or D. of this section
21 shall be liable for the payment of any civil fine and the expense of
22 restoration as set forth in subsection F. of this section.
- 23
- 24 F. *Penalty.* Violators shall be ordered to remove the graffiti, or if it has
25 already been removed, repay the property owner, the municipality, or
26 the graffiti busters program the costs of such removal including labor
27 costs. Failure to comply with ordered removal or payment of costs shall
28 create a cause of action that can be enforced in a civil suit. Any person
29 who commits a violation of subsection C. or D. of this section shall be
30 punished by a fine of not more than \$100.00 for each offense.
- 31
- 32 G. *Civil remedies.* In addition to other penalty provisions of this section,
33 any person, including the municipality, may seek appropriate injunctive
34 relief for the enforcement of this section, its penalties and remedial
35 provisions, including but not limited to actions for abatement,
36 prevention of violations, and enforcement of all remedial and preventive
37 provisions of this section as may be appropriate; and
- 38
- 39 H. Graffiti on any public or private property visible from any public right-of-
40 way, including but not limited to any street, highway, road, alley or
41 walkway, is declared a public nuisance. The municipality may give
42 notice to the property owner requesting the owner to remove or cause
43 to be removed such graffiti.
- 44
- 45 I. *Anti-graffiti trust fund.* There is hereby created the municipal anti-graffiti
46 trust fund. All civil fines paid by violators of this section and ultimately
47 received by the municipality shall be placed in the fund. The fund may
48 also receive monetary donations from citizens, businesses and other
49 organizations. The mayor, or designee, shall direct the expenditure of
50 monies in the fund. Such expenditures shall be limited to the payment

of rewards under subsection J of this section and restoration costs.

- J. *Reward for providing information.* Any person who shall provide information which leads to the adjudication of a violator of subsection C. of this section, is entitled to receive from the municipality a monetary reward of up to \$500.00. The mayor, or a designee, shall determine the actual amount of reward and whether a particular reward shall be divided among persons based on the information provided and the number of persons providing the information. In no event shall the total reward relating to a particular violation exceed \$500.00.

(AO No. 94-134(S), § 1, 9-8-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

14.70.110 Littering; defacing building or other structure.

- A. It is unlawful for any person to knowingly:
1. Litter in or on any property not the person's own on which the person is not an invitee or licensee, or on any public building, park, recreation area, parking lot, street, or highway; or
 2. Mar or deface private or public property, including parks and recreation areas, without permission.
- B. In addition to all other fines and penalties provided for in subsection G. of this section, persons violating this section shall remove or cause the removal of the litter and restore the property defaced at their sole expense and at the direction and under the supervision of the property owner.
- C. If the person violating this section fails to remove the litter or restore the property as the case may be, the owner thereof may cause the same to be accomplished and charge the person responsible for doing so for the reasonable expense incurred and recover such expenses by civil action.
- D. Any act in violation of this section committed by a minor under the age of 18 years who is not a runaway, as that term is defined by AS 47.10.390, when the violation occurred, shall be imputed to that minor's parent or legal guardian who shall be liable for payment of the fine and expense of restoration.
- E. Subject to AS 47.10, persons under the age of 18 years, shall be subject to the provisions of this section, provided however, that in the event any such provision conflicts with or cannot be effected under the provisions of AS 47.10, the latter shall prevail and the person, court or agency having jurisdiction over such minor shall, whenever consistent with AS 47.10, apply the penalties, fines, repair and restoration provisions hereof as a part of its final disposition or as a condition of

pre-trial/hearing diversion. Subject to the discretion of the court, agency or official having jurisdiction, the parent or legal guardian of a person under the age of 18 years violating this section shall accompany the minor to some or all of the minor's community service and repair, removal or restoration work.

F. Nothing contained in this section shall in any way limit, abridge or deny the authority or discretion of any court under AS title 12 or any agency or official under AS title 47 and such court, agency or official may vary the sentence or other disposition imposed pursuant to such authority or jurisdiction for a violation of this section.

G. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60.

(GAAB 18.05.010.Z; CAC 8.30.030; AO No. 94-221(S), § 1, 3-23-95; AO No. 98-59(S), § 1, 5-19-98)

14.70.120 Public excretion.

A. It is unlawful for any person to knowingly urinate or defecate in or on any public street, road, highway, alley, sidewalk, park or other public place open to public view which is not a lavatory facility.

B. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60.

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-145(S-1), § 4, 12-11-01)

14.70.130 Switchblade and gravity knives. (Repealed)

~~[A. It is unlawful for a person to knowingly sell, offer for sale, display or carry about the person, a knife which has a blade which can be opened by a spring mechanism, by exertion of pressure on the handle, or by gravity. This section does not apply to any officer of the United States, the state or the municipality who's carrying or displaying of such a knife is necessary in the course of the officer's official duties.]~~

~~[B. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60.]~~

(CAC 8.50.010; AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-145(S-1), § 4, 12-11-01)

14.70.140 Unauthorized duplication of keys.

A. It is unlawful for any person to knowingly make a duplicate of a key bearing the inscription "do not duplicate" or "it is unlawful to duplicate

this key," unless authorized to do so by the owner of the lock which the key fits.

- B. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60.

(CAC 8.32.010; AO No. 98-59(S), § 1, 5-19-98)

14.70.150 Shoplifting under \$5.00.

- A. *Removal of merchandise.* It is unlawful for any person to take or remove any merchandise or thing valued at less than \$5.00 from the premises where such merchandise or thing of value is kept for purposes of sale, barter or storage without the consent of the owner or person lawfully entitled to its possession.

- B. *Concealment of merchandise.* It is unlawful for any person, without authority, willfully to conceal upon or about the person any merchandise or thing valued at less than \$5.00 upon the premises where such merchandise or thing of value is kept for the purposes of sale, barter or storage. Any merchandise or thing of value found concealed upon or about the person and which has not theretofore been purchased by the person is prima facie evidence of willful concealment.

- C. This section shall not apply if the merchandise or thing of value is an alcoholic beverage, in which case the person shall be subject to prosecution under section 8.15.050.

- D. "Consent" defined. As used in this section, the term "consent" shall mean express consent, or consent implied by possession of a sales ticket, slip or receipt issued for and accompanied by the article of merchandise or thing of value.

- E. A violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60.

(GAAB 18.05.040; AO No. 89-52; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2009-61, § 2, 7-7-09)

14.70.160 Prohibited panhandling.

- A. As used in this section, *panhandling* means any solicitation made in person upon any street, public place or park in the city, in which a person requests an immediate donation of money or other gratuity from another person, and includes but is not limited to seeking donations:

1. By vocal appeal or for music, singing, or other street performance; and

2. Where the person being solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.

However, panhandling shall not include the act of passively standing or sitting nor performing music, singing or other street performance with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

B. It is unlawful to engage in an act of panhandling:

1. After sunset and before sunrise.
2. When either the panhandler or the person being solicited is located at any of the following locations:
 - a. At a bus stop;
 - b. In any public transportation vehicle or public transportation facility;
 - c. In a vehicle which is parked or stopped on a public street or alley;
 - d. In a sidewalk café; or
 - e. Within 20 feet in any direction from an automatic teller machine or entrance to a bank.
3. In the Downtown Improvement District, defined as the area bounded by 1st Avenue on the North, Gambell Street on the East, 9th Avenue on the South, and L Street on the West.

C. *Penalty.* A violation of subsection B. shall be punishable by a civil penalty in accordance with chapter 14.60.

1. A defendant may offset fines imposed for a violation of subsection B. by voluntary participation in an approved community service program, alcohol, drug or other appropriate rehabilitation program, or job training program, if any such programs are available.
2. For each hour of community service completed, the administrative hearing officer shall offset the fine by an amount equal to the current minimum wage required by the Alaska Wage and Hour Act, AS 23.10.
3. Upon presenting proof of completion of an alcohol, drug, or other appropriate rehabilitation program to the court or administrative hearing officer, any fees paid toward rehabilitation treatment shall offset any fines imposed.

(AO No. 2004-109, § 1, 8-17-04; AO No. 2011-112, § 3, 11-22-11, eff. 12-22-11)

14.70.170 Sitting or lying down on public sidewalks in downtown improvement district.

- A. *Prohibition.* No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, in the Downtown Improvement District, defined as the area bounded by 1st Avenue on the North, Gambell Street on the East, 9th Avenue on the South, and L Street on the West, during the hours between
1. 6:00 a.m. and 11:59 p.m. on Monday, Tuesday, Wednesday or Thursday; or
 2. 6:00 a.m. Friday through 2:30 a.m. Saturday; or
 3. 6:00 a.m. Saturday through 2:30 a.m. Sunday.

- B. *Exceptions.* The prohibition in subsection A. shall not apply to any person:
1. Sitting or lying down on a public sidewalk due to a medical emergency;
 2. Who, as the result of a disability, utilizes a wheelchair, walker, or similar device to move about;
 3. Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a sidewalk encroachment permit under Section 24.30.020; or a person participating in or attending a parade, festival, performance, race, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a right-of-way special activity permit under regulation Section 9.14.004 or a parade permit under regulation Chapter 9.36;
 4. Sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner;
 5. Sitting on a public sidewalk within a passenger loading zone while waiting for public or private transportation; or
 6. Waiting in line to purchase, receive or deliver an item or gain access to an adjacent property, such as waiting to purchase an item from a street vendor, or tickets at a ticket window, or waiting for an establishment to open to receive or deliver goods or services, so long as the person is as far from the traveled roadway as practicable.

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by Section 8.30.125, pedestrian interference, or any conduct otherwise prohibited by this Code.

- C. No person shall be charged under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.
- D. Violation of this section shall be punishable by a civil penalty in

accordance with chapter 14.60.

(AO No. 2011-112, § 1, 11-22-11, eff. 12-22-11)

14.70.180 Fireworks.

- A. It is unlawful for any person to knowingly sell, possess, or use any explosive fireworks or stench bomb to which fuses are attached or which are capable of ignition by matches or percussion, without permission of that municipal official charged with issuing permits for such activities. This section does not apply to sale, possession, or use of highway or other warning flares, or of ammunition for firearms, unless used for other than their intended purposes.
- B. It is unlawful for any person to advertise for sale any explosive fireworks or stench bomb to which fuses are attached or which are capable of ignition by matches or percussion without a specific declaration in the advertising stating: "It is unlawful for any person to sell, possess or use fireworks within the Municipality of Anchorage. AMC 14.70.180."
- C. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60.

(GAAB 18.05.010.Y; AO No. 97-90, § 1, 7-1-97; AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-145(S-1), § 4, 12-11-01; AO No. 2003-73, § 3, 4-22-03)

14.70.190 False Alarms.

- A. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm means any operable device except an official municipal fire alarm, but including, without limitation, automatic dialing devices which telephone a prerecorded message or transmit a signal or message to the police department and devices that produce an audible or visible signal which is intended to alert the police or some other person that a criminal act or other emergency exists and requires assistance. Devices commonly known as smoke alarms intended primarily for residential use and designed to emit a signal upon the detection of smoke, fumes or heat shall not be considered alarms for purposes of this chapter.

Chief of police means the chief of the municipal police department or the chief's designee.

False alarm means an alarm signal that the chief of police determines is caused by a reason other than that condition which the alarm is designed or intended to detect or a natural phenomenon beyond the control of the owner.

Owner means a person who is responsible for the proper operation of an alarm under this chapter and who has registered with the chief of police pursuant to section C.

B. *Prohibited acts.*

1. No person shall knowingly cause, permit or allow a false alarm signal to be emitted from an alarm.
2. No person shall knowingly own, install, connect, operate or possess an alarm except as provided in this chapter.
3. No person shall knowingly own, operate, connect, install or possess an audible alarm unless that alarm automatically ceases to emit an audible sound after 15 minutes and does not repeat the audible sound thereafter.
4. No person shall knowingly install, connect, own or possess an automatic direct dial alarm in such a fashion as to ring any telephone number at the police department other than those which the chief of police may designate for such use.

C. *Alarm registration.* A person who owns or possesses an alarm shall register immediately certain information required by the chief of police, including, without limitation, the identity of the owner, the location of the alarm, and the name and telephone number of a responsible individual for that alarm. An owner is under a continuing obligation to keep the information on the owner's registration current by reporting any change to the chief of police within ten days. The police department shall charge an annual fee of \$25.00 for registration. Alarms owned or possessed by the municipality or Anchorage School District are exempt from payment of fees, charges and penalties imposed by this chapter, but shall register.

D. *False alarm charges.*

1. Except as otherwise provided in this chapter, the owner of an alarm shall pay a charge in accordance with this section for each false alarm to which the police or fire department are dispatched:
 - a. First false alarm at each identifiable separate location:
No charge.
 - b. Each subsequent false alarm in excess of one:
 - i. *Fire department:* \$500.00

ii. *Police department:*

- (A) Second and third response: \$125.00 each
- (B) Each subsequent false alarm: \$25.00 more than the prior false alarm charge at the same identifiable location. A location previously charged under this section that has no false alarms in a consecutive 12-month period shall have the next false alarm charge beginning at the amount in subparagraph (A) above and increased thereafter in accordance with this subparagraph.

- c. A single identifiable location that has 12 false alarms in any consecutive 12-month period shall have its alarm registration automatically revoked by the chief of police, and the owner shall have the alarm disconnected, disabled or rendered inoperable. After such revocation, the alarm at that location cannot re-register until the owner presents proof to the chief of police the mechanical or personnel issues causing the frequent false alarms have been resolved. Immediately following the chief of police's approval, the owner shall re-register the alarm in accordance with Section 8.40.030 and pay the applicable annual fee regardless of whether an annual fee was paid within the previous 12 months.

- 2. The municipality shall bill the owner for false alarms, and the owner shall pay those charges in the manner provided by the municipality. If an owner fails to pay charges assessed pursuant to this section, the municipality may seek payment by any lawful means.

- 3. This section shall not apply to a false alarm occurring within 30 days immediately following installation of that alarm.

- 4. All false alarms charges shall be deposited in the appropriate service area fund.

- E. *Existing alarms.* Any person who presently owns, operates or possesses any alarm within the municipality which does not conform to the requirements of this chapter shall disconnect that alarm and render it inoperable or alter it in accordance with this chapter no later than June 18, 1980.

F. *Penalty.*

- 1. In addition to any other remedy or penalty provided by this section, a person who violates a provision of this section shall be subject to a civil penalty of not more than \$2,000.00 for each offense, or injunctive relief to restrain the person from continuing the violation or threat of the violation, or both such civil penalty

and injunctive relief. Upon application by the municipality for injunctive relief and a finding that a person is violating or threatening to violate a provision of this chapter, the superior court shall grant injunctive relief to restrain the violation.

2. Each day during which a violation described in this section occurs shall constitute a separate offense.

(AO No. 80-18; AO No. 98-59(S), § 1, 5-19-9; AO No. 99-157, § 1, 3-7-00; AO No. 2001-145(S-1), § 3, 12-11-01; AO No. 2003-73, § 3, 4-22-03; AO No. 2010-81(S-1), § 1-2, 12-7-10, eff. 1-1-10; AO No. 2011-46, § 1-3, 4-12-11)

Editor's note—Formerly chapter 8.40.

Section 33. Anchorage Municipal Code section 2.35.130 is hereby amended to read as follows:

2.35.130 Criminal penalties.

The criminal penalties set forth in AS 24.45.151 are hereby incorporated by reference as if fully set forth herein and are applicable to violations of this chapter. Violations may be prosecuted by the state or municipality.

- [A. AN INDIVIDUAL WHO KNOWINGLY VIOLATES ANY PROVISIONS OF THIS CHAPTER, WHETHER ACTING FOR ONESELF, ON BEHALF OF AN EMPLOYER, OR IN CONCERT WITH OTHER PERSONS, IS, UPON CONVICTION, PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH.]
- [B. AN INDIVIDUAL WHO KNOWINGLY CAUSES, PARTICIPATES IN, AIDS, ABETS, RATIFIES, OR CONFIRMS ANY VIOLATION OF A PROVISION OF THIS CHAPTER IS, UPON CONVICTION, PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.]
- [C. A PERSON WHO KNOWINGLY MAKES A FALSE OR MISLEADING REPORT OR STATEMENT REQUIRED UNDER THIS CHAPTER IS, UPON CONVICTION, PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH.]

(AO No. 2000-68(S-1), § 1, 8-15-00)

Section 34. Anchorage Municipal Code section 2.60.180 is hereby amended to read as follows:

2.60.180 Interference with ombudsman or staff.

A person who willfully hinders the lawful actions of the ombudsman or staff, or who willfully refuses to comply with their lawful demands, is subject to a civil penalty [GUILTY OF A MISDEMEANOR AND UPON CONVICTION BY A COURT OF

COMPETENT JURISDICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00. VIOLATION OF THIS SECTION MAY BE PUNISHABLE THROUGH IMPOSITION OF A CIVIL PENALTY] as set forth in Section 14.60.030 or, if such violation is not listed in the fine schedule set forth in Section 14.60.030, a civil penalty as set forth in Section 1.45.010. This section shall not be construed so as to require administrative officials to implement the ombudsman's recommendations for resolving complaints.

(AO No. 77-94; AO No. 93-167(S-1), § 4, 4-13-94)

Section 35. Anchorage Municipal Code section 3.80.090 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

3.80.090 Compliance with official orders and regulations during period of emergency.

Willful failure or refusal by any person to comply with the orders or regulations established by proclamation or the lawful orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized in Sections 3.80.030 through 3.80.080 is a criminal offense as set forth in Section 8.30.015. [SHALL BE A MISDEMEANOR. ANY PERSON CONVICTED OF SUCH A VIOLATION SHALL BE SUBJECT TO A FINE OF NOT MORE THAN \$1,000.00, IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BOTH SUCH FINE AND IMPRISONMENT.]

(CAC 2.08.090; AO No. 79-153)

Section 36. Anchorage Municipal Code section 5.80.020 is hereby amended to read as follows:

5.80.020 Penalty.

A person who willfully resists, prevents, impedes or interferes with the equal rights commission or any of its authorized representatives because of or in the performance of duty under this title is subject to [AND IS CONVICTED BY A COURT OF COMPETENT JURISDICTION AND FOUND GUILTY IS GUILTY OF A MISDEMEANOR PUNISHABLE BY FINE OF NOT MORE THAN \$500.00, OR BY IMPRISONMENT IN A JAIL FOR NOT MORE THAN 30 DAYS, OR BY BOTH. VIOLATION OF THIS SECTION MAY BE PUNISHABLE THROUGH IMPOSITION OF] a civil penalty as set forth in Section 14.60.030, or, if such violation is not listed in the fine schedule set forth in Section 14.60.030, a civil penalty as set forth in Section 1.45.010.

(AO No. 93-167(S-1), § 5, 4-13-94; AO No. 2002-163, § 24, 1-7-03)

Section 37. Anchorage Municipal Code section 10.50.015 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.05.025 Penalties and remedies.

(AO No. 80-131; AO No. 83-182; AO No. 87-74(S), 6-30-87; AO No. 93-167(S-1), § 9, 4-13-94; AO No. 96-105, § 1, 8-6-96; AO No. 2005-83(S), § 2, 1-1-06; AO No. 2009-82, § 3, 7-7-09)

E. Reserved. [FOR A LICENSEE, THE LICENSEE'S EMPLOYEE, AGENT OR ANY PERSON IN LICENSED PREMISES TO GIVE, BARTER OR SELL ALCOHOLIC BEVERAGES TO ANY PERSON WHO, WITHIN THE NORMAL POWERS OF OBSERVATION, APPEARS TO BE INTOXICATED. FOR THE PURPOSES OF THIS

SECTION, A PERSON APPEARS TO BE INTOXICATED WHEN THE PERSON EXHIBITS ANY SYMPTOM THAT INDICATES SUBSTANTIAL LOSS OF CONTROL OF PHYSICAL OR MENTAL FACILITIES, INCLUDING BUT NOT LIMITED TO BLOODSHOT EYES, SLURRED SPEECH, CLUMSINESS, DROWSINESS, HEAVY ODOR OF ALCOHOLIC BEVERAGES OR UNDUE OR ABNORMAL EXCITATION OR SUPPRESSION OF THE PASSIONS OR FEELINGS.]

F. Reserved. [FOR A LICENSEE, THE LICENSEE'S EMPLOYEE, AGENT OR ANY PERSON IN LICENSED PREMISES TO GIVE, BARTER OR SELL ALCOHOLIC BEVERAGES TO A PERSON UNDER 21 YEARS OF AGE].

G. Reserved. [FOR A PERSON UNDER THE AGE OF 21 YEARS TO ENTER OR REMAIN UPON LICENSED PREMISES UNLESS ACCOMPANIED BY THE PERSON'S PARENT, GUARDIAN OR SPOUSE WHO HAS ATTAINED THE AGE OF 21 YEARS. HOWEVER, A PERSON 18 YEARS OF AGE OR OLDER MAY ENTER AND REMAIN UPON LICENSED PREMISES IN THE COURSE OF THE PERSON'S EMPLOYMENT AS A MUSICIAN, ENTERTAINER OR BUSBOY. IN ADDITION, A PERSON UNDER THE AGE OF 21 YEARS MAY ENTER AND REMAIN UPON LICENSED PREMISES ALSO RECOGNIZED AS A RESTAURANT FOR THE PURPOSE OF DINING OR DANCING IF ACCOMPANIED BY THE PERSON'S PARENT OR GUARDIAN, OR BY THE PARENT OR GUARDIAN OF ANY OTHER MINOR ALSO PRESENT, OR BY ANY OTHER ADULT WITH THE CONSENT OF THE MINOR'S PARENTS OR GUARDIAN.]

H. Reserved. [FOR A PERSON UNDER 21 YEARS OF AGE TO SOLICIT THE PURCHASE, TO ATTEMPT TO PURCHASE OR TO POSSESS ALCOHOLIC BEVERAGES.]

I. Reserved. [FOR A PERSON UNDER 21 YEARS OF AGE TO ENTER A LICENSED PREMISES AND OFFER OR PRESENT TO A LICENSEE OR THE LICENSEE'S EMPLOYEE OR AGENT OR A LAW ENFORCEMENT OFFICER A DOCUMENT OR STATEMENT WHICH DOES NOT REPRESENT THE TRUE AGE OF THE PERSON UNDER 21 YEARS OF AGE.]

J. Reserved. [FOR A PERSON UPON LICENSED PREMISES TO REFUSE, UPON DEMAND OF THE PERSON IN CHARGE OF SUCH PREMISES OR OF A LAW ENFORCEMENT OFFICER, TO PRODUCE IDENTIFICATION SUFFICIENT TO PROVE THE AGE OF THAT PERSON IS 21 YEARS OF AGE OR OLDER. FOR THE PURPOSES OF THIS SECTION, A STATE IDENTIFICATION CARD ISSUED UNDER AS 18.65.310, A VALID ALASKA DRIVER'S LICENSE OR OTHER IDENTIFICATION CARD, WHEN THE CARD IS MADE OF OR ENCLOSED IN PLASTIC AND CONTAINS A PHOTOGRAPH OF THE LICENSE HOLDER AND A STATEMENT OF THE PERSON'S AGE OR DATE OF BIRTH, IS ACCEPTABLE AS PROOF OF AGE.]

K. Reserved. [FOR A LICENSEE, THE LICENSEE'S EMPLOYEE, AGENT OR ANY PERSON IN LICENSED PREMISES TO INFLUENCE OR ATTEMPT TO INFLUENCE THE SELLING, GIVING OR SERVING OF INTOXICATING LIQUOR TO A PERSON UNDER 21 YEARS OF AGE, OR TO ORDER, REQUEST, RECEIVE OR PROCURE ALCOHOLIC BEVERAGES FROM ANY PERSON FOR THE PURPOSE OF SELLING, GIVING OR SERVING THE ALCOHOLIC BEVERAGES TO A PERSON UNDER 21 YEARS OF AGE.]

(CAC 6.08.020; AO No. 81-35(S); AO No. 81-197; AO No. 85-170; AO No. 92-32; AO No. 96-49, § 1, 3-5-96; AO No. 2009-82, § 4, 7-7-09; AO No. 2013-42, § 2, 4-11-13)

Section 39. Anchorage Municipal Code section 10.55.105 is hereby repealed. The language being repealed is set forth below:

10.55.105 Criminal penalties and prosecution. (Repealed)

[IT IS UNLAWFUL FOR ANY PERSON INTENTIONALLY TO OPERATE A TEEN NIGHTCLUB OR CULTURAL PERFORMANCE VENUE AS DEFINED IN THIS CHAPTER WITHOUT A REQUIRED PERMIT. VIOLATION OF THIS SECTION SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$5,000.00 OR IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH SUCH FINE AND IMPRISONMENT.]

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

Section 40. Anchorage Municipal Code section 12.05.080 is hereby amended to read as follows:

12.05.080 Penalty.

Unless otherwise provided in this title, any person who violates the provisions of this title is subject to the [GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NO MORE THAN \$1,000.00, IMPRISONMENT FOR NO MORE THAN 90 DAYS, OR BOTH SUCH FINE AND IMPRISONMENT. FOR THE PURPOSES OF THIS SECTION, COMPLIANCE WITH FILING AND PAYMENT OBLIGATIONS PRIOR TO EXPIRATION OF THE SEVEN-CALENDAR-DAY GRACE PERIOD SHALL NOT CONSTITUTE A VIOLATION OF THE PROVISIONS OF THIS TITLE REGARDING FILING AND PAYMENT DEADLINES. VIOLATION OF THIS TITLE MAY BE PUNISHABLE THROUGH] imposition of a civil penalty as set forth in Section 14.60.030, or, if such violation is not listed in the fine schedule set forth in Section 14.60.030, a civil penalty as set forth in Section 1.45.010. Assessment of civil penalties under this chapter does not preclude criminal charges, prosecution or penalties under other provisions of this code or under state law.

(GAAB 10.10.080; AO No. 86-211(S-1); AO No. 92-36; AO No. 93-167(S-1), § 11, 4-13-94)

Section 41. Anchorage Municipal Code section 12.10.040 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

12.10.040 Filing of returns.

Every person who owns or controls taxable personal property the tax situs of which is the municipality as of January 1 of each year, must file a personal property tax return indicating ownership or control of the personal property.

(GAAB 10.20.110; AO No. 84-14; AO No. 92-36; AO No. 96-103, § 1, 4-1-97;

[A PERSON WHO VIOLATES A PROVISION OF THIS CHAPTER IS GUILTY OF A CLASS B

MISDEMEANOR.]

(AO No. 2004-113(S), § 2, 9-8-04)

Section 46. Anchorage Municipal Code section 16.95.030 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

16.90.030 Rat control--Ownership or breeding of rats prohibited; report of presence of rats; extermination.

B. Any person who violates subsection A of this section shall be subject to a civil penalty of not less than \$50.00 and not more than \$1,000.00 for each offense, or injunctive relief to restrain the person from continuing the violation or threat of violation, or both injunctive relief and a civil penalty. Upon application for injunctive relief and a finding that a person is violating or threatening to violate subsection A of this section, the superior court shall grant injunctive relief to restrain the violation.

C. [ANY PERSON WHO VIOLATES SUBSECTION A OF THIS SECTION SHALL BE SUBJECT TO A CRIMINAL FINE OF NOT LESS THAN \$50.00 AND NOT MORE THAN \$300.00 FOR EACH OFFENSE.]

(AO No. 83-95; AO No. 85-8)

Section 47. Anchorage Municipal Code section 16.95.030, Impersonating paramedic or emergency medical technician, is hereby repealed. The offense described therein is reenacted as AMC section 8.30.075 without alteration or modification to the existing text other than the penalty as a minor offense, printed in section 3 of this ordinance.

Section 48. Anchorage Municipal Code section 16.100.090 is hereby amended to read as follows:

16.100.190 Penalty for violation of chapter.

A. [IN ADDITION TO ANY OTHER PENALTY SPECIFICALLY PROVIDED IN THIS CHAPTER, THE VIOLATION OF ANY PROVISION OF THIS CHAPTER OR A MUNICIPAL REGULATION PROMULGATED UNDER THIS CHAPTER SHALL BE A MISDEMEANOR, AND ANY PERSON CONVICTED OF SUCH A VIOLATION SHALL BE SUBJECT TO A FINE OF NOT MORE THAN \$1,000.00.]

[B.] A [IN ADDITION TO ANY OTHER REMEDY OR PENALTY PROVIDED BY THIS SECTION, A] person who violates a provision of this chapter or a municipal regulation promulgated under this chapter shall be subject to a civil penalty of not more than \$1,000.00 for each offense, or injunctive relief to restrain the person from continuing the violation or threat of

violation, or both such civil penalty and injunctive relief. Upon application by the municipality for injunctive relief and a finding that a person is violating or threatening to violate a provision of this chapter or a municipal regulation promulgated under this chapter, the superior court shall grant injunctive relief to restrain the violation. Assessment of civil penalties under this chapter does not preclude criminal charges, prosecution or penalties under other provisions of this code or under state law.

B [C]. Each day during which a violation described in this section occurs shall constitute a separate offense.

(AO No. 85-71)

Section 49. Anchorage Municipal Code section 16.110.080 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

16.110.080 Penalty for violation of chapter.

- A. A person who violates any provision of this chapter shall be subject to civil penalties, injunctive relief, or both, as provided by Section 14.45.010B., including civil penalties as set forth in Section 14.60.030 where applicable.
- B. A person who violates any provision of this chapter [SHALL BE GUILTY OF A MISDEMEANOR AND] shall be subject to a civil penalty [FINE] of not less than \$50.00 and not more than \$300.00 for each offense.

(AO No. 87-101(S); AO No. 93-167(S-1), § 14, 4-13-94)

Section 50. Anchorage Municipal Code section 24.80.015 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

24.80.015 Street solicitation permit.

- C. *Prohibited conduct.* It is unlawful for any person to conduct a street solicitation unless:
1. A current street solicitation permit is issued from the department pursuant to this section; and
 2. No conduct under a street solicitation permit shall be in violation of Section 8.75.170, prohibited panhandling.
- D. *Permit requirements.* A permittee shall:
1. Pay a fee of \$250.00 per event.
 2. Approach an occupant of a motor vehicle to consummate a street solicitation only immediately after the occupant has

- 1 indicated by words or conduct the occupant wishes to give or
- 2 receive a donation or any item.
- 3 3. Not approach an occupant of a motor vehicle on a street when
- 4 vehicular traffic is in motion on that street.
- 5 4. Not solicit on a street or at a site except as listed on the street
- 6 solicitation permit.
- 7 5. Not conduct street solicitation after sunset and before sunrise.
- 8 6. Comply with all conditions imposed under subsection E.2.
- 9

10 G. *Penalties.* Violation[s] of subsection C. is a class B misdemeanor
11 punishable under section 8.05.020H.2. [SHALL, UPON CONVICTION, BE
12 PUNISHED BY A FINE OF NOT MORE THAN \$2,000.00 OR IMPRISONMENT FOR
13 NOT MORE THAN 90 DAYS, OR BOTH SUCH FINE AND IMPRISONMENT.]
14 Violations of subsection D. shall, upon conviction, be punished but a
15 fine of not more than \$500.00.

- 16
- 17 1. As an alternative to the remedies, procedures and penalties
- 18 provided in this section and Section 1.45.010, a violation of
- 19 subsection D. may be charged as a civil violation subject to and
- 20 prosecuted in accordance with Title 14 and in such case shall
- 21 be punishable by a civil penalty in accordance with Chapter
- 22 14.60. This alternative is not available for violations of
- 23 subsection C.

24 * * * * *

25 (AO No. 2010-39, § 1, 5-11-10)

26

27 **Section 51.** Anchorage Municipal Code section 26.40.070 is hereby amended to
28 read as follows (*the remainder of the section is not affected and therefore not set*
29 *out*):

30

31 **26.40.070 Penalties.**

- 32
- 33 A. In addition to any other remedy or penalty provided by law, a person
- 34 who violates a provision of this chapter, or a rule, regulation, permit,
- 35 variance or order issued pursuant to this chapter, shall be subject to
- 36
- 37 1. A civil penalty as set forth in Section 14.60.030; or
 - 38 2. If no penalty is set out in Section 14.60.030, a civil penalty as
 - 39 set out in Section 1.45.010B. for each offense;
 - 40 3. Injunctive relief; or
 - 41 4. Criminal penalties as provided in Title 8 or Section 1.45.040A.
 - 42

43 Upon application for injunctive relief and a finding that a person is violating a

44 provision of this chapter, or a rule, regulation, permit, variance or order issued

45 pursuant to this chapter, the superior court shall grant injunctive relief to

46 restrain the violation. Assessment of civil penalties under this chapter does

47 not preclude criminal charges, prosecution or penalties under other provisions

48 of this code or under state law.

49 * * * * *

50

(AO No. 2004-99, § 1, 6-22-04)

Section 52. Anchorage Municipal Code section 26.50.420 is hereby amended to read as follows:

26.50.420 Criminal prosecution.

Any person who knowingly makes any false statement or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or a wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, or who willfully or negligently violates any provision of this chapter, may be punished under Title 8 of this code and the criminal laws of the state as well as being subjected to civil penalties and relief. Assessment of civil penalties under this chapter does not preclude criminal charges, prosecution or penalties under other provisions of this code or under state law.

(AO No. 86-118, 9-4-86; AO No. 2000-129(S), § 25, 11-21-00)

Section 53. Anchorage Municipal Code of Regulations section 3.90.002 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

3.90.002 Copying charges.

Municipal agencies shall charge the public for copies of municipal records in accordance with the following schedule:

TABLE INSET:

*** *** ***		
<u>W. Municipal Prosecutor's office, discovery and copying charges.</u>		
	<u>1. Electronic discovery via ePay portal</u>	<u>\$35.00</u>
	<u>2. Paper discovery; charges due when cost equals or exceeds \$3.00</u>	<u>\$0.50 single sided copy, per page;</u> <u>\$1.00 double sided copy, per page</u>
	<u>3. CD (photos, PDF and small audio files)</u>	<u>\$15.00 each</u>
	<u>4. DVD (videos and larger audio files)</u>	<u>\$20.00 each</u>
	<u>5. Research fee for discovery</u>	<u>\$35.00 per hour</u>

	<u>requests</u>	
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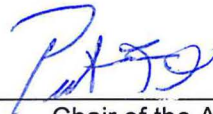
(AR No. 82-335; AR No. 87-198; AO NO. 2001-145(S-1), § 21, 12-11-01; AO No. 2010-81(S-1), § 37, 12-7-10, eff. 1-1-11)

Section 54. The code revisor is directed and authorized to remove each usage of gender-specific terminology throughout Title 8 and replace it with a gender-neutral term, as follows:

- "he" or "she" or "he or she" shall be changed to "the person" or "the defendant" or other noun as appropriate and indicated by context.
- "his" or "hers" shall be changed to "the person's" or other possessive noun as appropriate and indicated by context.
- "him" or "her" shall be changed to "the person" or other noun as appropriate and indicated by context.
- "himself" or "herself" shall be changed to "oneself" or other noun as appropriate and indicated by context
- Other amendments consistent with the directive of this section.

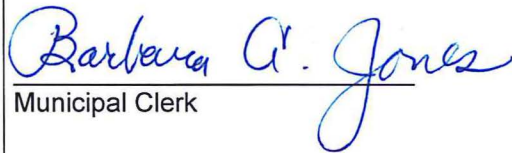
Section 55. This ordinance shall be effective 60 days after passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 22nd day of April, 2014.



Chair of the Assembly

ATTEST:


Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 172-2014

Meeting Date: March 25, 2014

From: MAYOR

Subject: AN OMNIBUS ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REVISING ANCHORAGE MUNICIPAL CODE TITLE 8, PENAL CODE, BY AMENDING, RELOCATING, OR REPEALING AND REENACTING CHAPTERS; AMENDING CERTAIN SECTIONS OF TITLE 9, VEHICLES AND TRAFFIC, TO UPDATE AND AMEND PROVISIONS RELATED TO CRIMINAL OR MINOR OFFENSES AND THE TRAFFIC OFFENSES FINE SCHEDULE; AMENDING TITLE 14, ADMINISTRATIVE ENFORCEMENT TO UPDATE THE CIVIL VIOLATIONS FINE SCHEDULE IN CHAPTER 14.60 ACCORDINGLY AND TO ADD NEW CHAPTER 14.70, CIVIL VIOLATIONS; REPEALING SECTION 10.55.105, SECTION 16.55.090, AND SECTION 16.95.030; AMENDING SECTION 2.35.130, SECTION 2.60.180, SECTION 3.80.090, SECTION 5.80.020, SECTION 10.05.025, SECTION 10.50.015, SECTION 10.55.105, SECTION 12.05.080, SECTION 12.10.040, SECTION 12.20.110, SECTION 12.40.135, SECTION 16.10.010, SECTION 16.55.090, SECTION 16.90.030, SECTION 16.95.030, SECTION 16.100.190, SECTION 16.110.080, SECTION 17.60.010, SECTION 24.80.015, SECTION 26.40.070, AND SECTION 26.50.420 TO MAKE THEM CONSISTENT WITH AND CONFORM TO THE PENAL CODE AMENDMENTS; AMENDING ANCHORAGE MUNICIPAL CODE OF REGULATIONS SECTION 3.90.002 TO ADD MUNICIPAL PROSECUTOR'S OFFICE STANDARD CHARGES; AND RELATED MATTERS.

Introduction

This ordinance significantly revises the criminal code of the Municipality. There are three main justifications for the revisions:

1. Consistency with the state's offense classification.

The change to the minor offenses law ordered by the Alaska Supreme Court (see Supreme Court Order 1797) renamed and renumbered the court rules and procedures for minor offenses. As a result, there are now three levels of offenses in Alaska: (1) criminal offenses, (2) minor offenses (including traffic fines), and (3) civil violations. This state law change necessitates amendments to the Anchorage Municipal Code to eliminate those offenses that currently provide for alternative

enforcement approaches by either a minor offense prosecution or imposition of civil penalties. The alternative enforcement structure that exists in several Code sections to impose civil penalties as an alternative for a criminal sanction is no longer viable. Those violations that have this alternative scheme have been reclassified as either only a minor offense or only a civil violation. In addition, the reclassifications logically lead to the creation of a minor offense fine schedule which will facilitate and expedite enforcement and processing of citations. The Code is amended with a minor offense fine schedule and lists offenses therein.

2. Mirror state statutes for consistent municipal prosecution of misdemeanor crimes.

The ordinance will revise many of the offenses in the Code to mirror the language and title of their comparative state law offense. This will allow the charges to be brought under the Code instead of state statute. Municipal prosecutors do not have authority to prosecute criminal violations of state statutes. At present, approximately 30% of the cases that should be prosecuted by the Municipality are instead sent to the State District Attorney, because a state statute is cited in the charging document. In that circumstance, the revenue from penalties and fines goes to the state, and municipal code violations are often not charged. This revision will capture that revenue as police officers are able to charge under the Code. Mirroring state statutes is also expected to lead to more consistency when police officers file charges, because only one prosecuting agency, the Municipality, will be charging misdemeanors in Anchorage. The Municipal Prosecutor has reviewed the proposed shift in caseload with the Criminal Division of the State Attorney General's Office, which has no objection to the proposed changes. The Anchorage Police Department is also supportive of the ordinance and the shift to charging under the improved criminal code provisions.

3. Eliminate court decisions rejecting municipal misdemeanors for state law purposes.

The revision is intended to lead to more consistent court decisions. Several code offenses are somewhat similar to a state crime, but with distinctions in language. Those differences lead courts to make a decision in a municipal prosecution that is different than they would have decided under state statute. Several municipal ordinances have been rejected by the courts as meeting standards for recidivist prosecution at a later time. The revision will also reorganize the Penal Code to be similar to the state statute structure so similar crimes are grouped together, including minor offenses that have a corresponding misdemeanor level crime. Courts, lawyers, and defendants using the revised criminal code should find it easier to navigate and interpret when organized similar to state criminal statutes.

Summary of other substantive revisions

Reorganizing the Penal Code is an onerous task that includes, in addition to Title 8, many sections in the other titles of the Code that describe offenses for violating provisions specific to that Title. For example, AMC section 16.55.090 makes it a class B misdemeanor to violate any provision of chapter 16.55 regarding Child Care and Educational Facilities. This revised ordinance brings those criminal provisions in Title 8 and sorts out those specific sections which warrant a misdemeanor level punishment for violations, rather than any provision of the whole chapter. The ordinance brings all criminal and minor offense penalties into Titles 8 and 9 and lists them all in convenient tables so that they may be easily located. Finally, this

ordinance also cross references and incorporates state and federal statutes for the elements of a crime under the Controlled Substances Act (AS 11.71) in the Code. If the Alaska Legislature changes a criminal statute, the Code will automatically follow it and no further change to the Code is necessary. Only one criminal code chapter is adopted by reference with this ordinance, to test the effectiveness of this approach and build confidence in future incorporation of state and federal criminal laws in this manner. This should provide for longevity and consistency with state criminal laws.

As mentioned, an important feature of the ordinance is clear classification of offenses into three groups. The civil violations that were in Title 8, mostly in chapter 8.75, are all moved and listed in a new chapter under Title 14, Administrative Enforcement. The new chapter 14.70 will list all current and any future civil violations that will be enforced by issuing civil citations that can be paid in lieu of an appearance or contested by appeal to the Administrative Hearing Officer. Civil citations may be supported in the AHO proceedings by the issuing officer, and not require involvement of the Municipal Prosecutor's office. Organizing the civil violation offenses in this manner will simplify the procedures and logically limit offenses enumerated in Title 8 to only criminal and minor offenses which are processed through the court system.

New offenses, some not previously anywhere in the Code, are added to the Penal Code, Traffic Code, and the Administrative Enforcement titles. Those include:

- | | |
|----------|---|
| 8.10.030 | Abuse of ... vulnerable adult (in same section as abuse of a child). |
| 8.10.040 | Neglect of ... vulnerable adult (in same section as abuse of a child). |
| 8.10.100 | Reckless endangerment. |
| 8.10.110 | Harassment. |
| 8.15.060 | Theft by failure to make required disposition of funds received or held. |
| 8.15.070 | Theft by receiving. |
| 8.15.080 | Misapplication of property. |
| 8.20.030 | Criminally negligent burning. |
| 8.20.035 | Failure to control or report a dangerous fire. |
| 8.30.015 | Failure or refusal to comply with official orders during emergency proclamation. |
| 8.30.105 | Violating a protective order. |
| 8.30.107 | Interfering with a report of a crime involving domestic violence. |
| 8.30.170 | Unsworn falsification. |
| 8.35.010 | Controlled substances; incorporation of Controlled Substances Act. |
| 8.35.416 | Prohibited acts regarding alcohol consumption, sales and distribution corresponding to and adopted from Alaska Statutes. (Numerous offenses related to licensees and licensed premises, corresponding to statute. Some required deletion from AMC section 10.50.015.) |
| 8.50.050 | Contributing to the delinquency of a minor. (Rewritten to mirror state statute, formerly AMC section 8.10.060.) |
| 8.55.015 | Animal neglect. |

- 8.55.090 Harming a police dog.
- 9.28.060 Minor operating a vehicle after consuming alcohol
- 9.28.070 Minor's refusal to submit to chemical test.
- 9.28.080 Driving during the 24 hours after being cited for alcohol or breath test offenses.
- 14.70.160 Underage drinking.

Some offenses are repealed without being replaced, for the reasons indicated:

- 8.25.040 Drive-by shooting. (Felony offense)
- 8.30.040 Failure to report escape. (State handles – DOC related)
- 8.30.130 Unlawful operation of an unlicensed nightclub. (To be handled through alcohol related offenses, new sections 8.35.416 *et seq.*, or Title 21 enforcement)
- 8.35.020 Sale of drug paraphernalia. (Constitutional issues, per case law)
- 8.35.025 Possession of drug paraphernalia. (Constitutional issues, per case law)
- 8.35.100 Synthetic cannabinoids. (Repeal in favor of enforcement under new section 8.35.500, Illicit synthetic drugs)
- 8.35.110 Illegal synthetic compounds. (Repeal in favor of enforcement under new section 8.35.500, Illicit synthetic drugs)

This ordinance amends most of the Penal Code, but does not make any substantive changes to offenses in the following chapters (there are some language edits to penalty subsections without substantive effect):

- Chapter 8.50 CRIMES HARMFUL TO MINORS
- Chapter 8.60 GAMBLING
- Chapter 8.65 PROSTITUTION
- Chapter 8.80 FEE FOR EXCESSIVE POLICE RESPONSES
- Chapter 8.85 VICTIMS RIGHTS
- Chapter 8.100 FEES FOR POLICE DEPARTMENT SERVICES

The offenses that require a mandatory court appearance or are misdemeanor level criminal offenses are removed from the fine schedule at AMC section 9.48.130. They do not need to be listed there, because any offense not listed will require a court appearance by default under criminal law jurisprudence and Alaska Court Rules.

Conclusion

The revisions proposed by this ordinance are intended to improve criminal law enforcement within the Municipality and streamline procedures for police, prosecutors, and others that rely on the Penal Code. The rewrite will restore the intended mission of the Municipal Prosecutor's Office to prosecute all misdemeanor crimes investigated by APD. Realigning the misdemeanor caseload assures that the Municipality's investment in misdemeanor enforcement by APD has a return in the form of prosecution of a maximum number of the cases in a uniform manner. Processing the maximum misdemeanor caseload through one prosecutor's office

1 achieves consistency in results that cannot be attained when prosecution is shared,
2 as it is currently between the State DA’s office in Anchorage and the Municipal
3 Prosecutor’s Office.

4
5 **THE ADMINISTRATION RECOMMENDS APPROVAL.**

6
7 Prepared by: Cynthia Franklin, Municipal Prosecutor
8 Approved by: Dennis A. Wheeler, Municipal Attorney
9 Concur: Mark Mew, Chief, Anchorage Police Department
10 Concur: George J. Vakalis, Municipal Manager
11 Respectfully submitted: Daniel A. Sullivan, Mayor

MUNICIPALITY OF ANCHORAGE

Summary of Economic Effects -- General Government

AO Number: 2014-42

Title: AN OMNIBUS ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REVISING ANCHORAGE MUNICIPAL CODE TITLE 8, PENAL CODE, BY AMENDING, RELOCATING, OR REPEALING AND REENACTING CHAPTERS; AMENDING CERTAIN SECTIONS OF TITLE 9, VEHICLES AND TRAFFIC, TO UPDATE AND AMEND PROVISIONS RELATED TO CRIMINAL OR MINOR OFFENSES AND THE TRAFFIC OFFENSES FINE SCHEDULE; AMENDING TITLE 14, ADMINISTRATIVE ENFORCEMENT TO UPDATE THE CIVIL VIOLATIONS FINE SCHEDULE IN CHAPTER 14.60 ACCORDINGLY AND TO ADD NEW CHAPTER 14.70, CIVIL VIOLATIONS; REPEALING SECTION 10.55.105, SECTION 16.55.090, AND SECTION 16.95.030; AMENDING SECTION 2.35.130, SECTION 2.60.180, SECTION 3.80.090, SECTION 5.80.020, SECTION 10.05.025, SECTION 10.50.015, SECTION 10.55.105, SECTION 12.05.080, SECTION 12.10.040, SECTION 12.20.110, SECTION 12.40.135, SECTION 16.10.010, SECTION 16.55.090, SECTION 16.90.030, SECTION 16.95.030, SECTION 16.100.190, SECTION 16.110.080, SECTION 17.60.010, SECTION 24.80.015, SECTION 26.40.070, AND SECTION 26.50.420 TO MAKE THEM CONSISTENT WITH AND CONFORM TO THE PENAL CODE AMENDMENTS; AMENDING ANCHORAGE MUNICIPAL CODE OF REGULATIONS SECTION 3.90.002 TO ADD MUNICIPAL PROSECUTOR'S OFFICE STANDARD CHARGES; AND RELATED MATTERS.

Sponsor: MAYOR
 Preparing Agency: Department of Law
 Others Impacted: APD

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY14	FY15	FY16	FY17	FY18	
Operating Expenditures						
1000 Personal Services						
2000 Non-Labor						
3900 Contributions						
4000 Debt Service						
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -	
REVENUES:						
CAPITAL:						
POSITIONS: FT/PT and Temp						

PUBLIC SECTOR ECONOMIC EFFECTS:

The code changes do not in themselves have an economic effect, but the implementation of the changes may. The revisions that ensure offenses in the Anchorage Municipal Code mirror the language of comparative state statute offenses are expected to shift penalty revenue and criminal misdemeanor case load from the state to the Municipality. However, this will not require any change in resources with the Anchorage Police Department because these crimes are currently enforced by officers under state statute. The Municipal Prosecutor's office may have increased caseload, which is difficult to predict, but their caseload has decreased over the past two years (due to decline in officers on the street) and the office has some ability to expand into increases in caseload without an increase in staff. There may be a time when additional appropriation is needed to manage the increased case load but the effect of increases in penalties and increased revenue to APD through criminal fines will be known by then. Because of the indirect nature of these code amendments on economic effects to the public sector, and the substantial uncertainty in estimating economic effects, pinning a dollar figure on the impact is deferred to such time that an appropriation or budgeting for additional positions or resources may be needed. It is possible no such appropriation will be requested.

PRIVATE SECTOR ECONOMIC EFFECTS:

None.

TITLE 8 - PENAL CODE, Chapter 8.05 GENERAL PRINCIPLES

Chapter 8.05 GENERAL PRINCIPLES

[8.05.010 General principles of criminal liability.](#)

[8.05.020 Sentencing.](#)

[8.05.030 Attempt.](#)

[8.05.040 Parties to crimes.](#)

[8.05.050 "Child" and "minor" defined.](#)

[8.05.060 Pretrial diversion program.](#)

[8.05.100 Definitions.](#)

[8.05.390 Magazine subscription sales. \(Repealed\)](#)

[8.05.480 Destruction of official notices. \(Repealed\)](#)

8.05.010 General principles of criminal liability.

- A. The minimum requirements for criminal liability is the performance by a person of conduct that includes a voluntary act or the omission to perform an act that the person is capable of performing.
- B. For purposes of this title, the definition for the words "intentionally", "knowingly", "recklessly", and "with criminal negligence" shall be those listed in AS 11.81.900(a).
- C. If a provision of law defining an offense does not prescribe a culpable mental state, the culpable mental state that must be proved with respect to:
 - 1. Conduct is "knowingly"; and
 - 2. A circumstance or result is "recklessly."
- D. *Definitions.* Except as otherwise provided in this title or unless the context clearly indicates otherwise, the definitions of the words and phrases in Alaska Statutes 11.81.900 shall be the definitions of those same words and phrases used in this title.

(GAAB 18.05.230; AO No. 85-209; AO No. 89-52; AO No. 89-123; AO No. 90-122; AO No. 90-141; AO No. 93-167(S-1), § 6, 4-13-94; AO No. 93-200, § 2, 2-3-94; AO No. 94-22, § 4, 2-15-94; AO No. 94-30, § 4, 4-19-94; AO No. 94-130, § 3, 9-20-94; AO No. 95-149(S), § 2, 11-2-95; AO No. 95-187(S), § 2, 10-26-95; AO No. 97-107, § 1, 11-17-97; AO No. 98-59(S), § 1, 5-19-98)

8.05.020 Sentencing.

- A. When a person is sentenced to imprisonment, the term of confinement begins on the date of imposition of sentence unless the court specifically provides that the defendant must report to serve the sentence on another date or an appeal is taken and the defendant is admitted to bail. A person who is sentenced shall receive credit toward service of the sentence for time spent in custody pending trial or sentencing, or appeal, if that detention was in connection with the offense for which sentence was imposed. A defendant may not receive credit for more than the actual time spent in custody pending trial, sentencing, or appeal. The time during which the person is voluntarily absent from the jail, other custodial institution or custody of an officer after sentencing shall not be counted toward service of the sentence.

TITLE 8 - PENAL CODE, Chapter 8.05 GENERAL PRINCIPLES

- B. If a person is convicted of two or more crimes, the judgment entered by the court may specify that the imprisonment upon one conviction begins at the expiration of the imprisonment for any other of the crimes. If the defendant is imprisoned upon a previous judgment of conviction for a crime, the judgment may be that the imprisonment commences at the expiration of the term limited by the previous judgment.
- C. The court authorized to pass sentence upon a person convicted of a crime under this Code shall determine and impose the punishment prescribed. When punishment is left undetermined between certain limits or kinds of punishment the court shall determine the punishment to be imposed, except as set forth in subsection D of this section.
- D. When a minimum sentence is prescribed as punishment for a particular offense, the court may not impose a lesser sentence, nor may the court suspend or defer such minimum sentence.
- E. Except as provided in subsection D of this section, the court in the interest of justice may suspend part or all of a sentence imposed, or suspend imposition of sentence and place the defendant on probation. In sentencing under this Code, the provisions of AS 12.55 shall apply.
- F. In addition to any other penalty prescribed by this title, a court authorized to pass sentence upon a person convicted of a crime under this title may enter a judgment directing the forfeiture of any weapon used in the commission of that crime by the person convicted.
- G. In addition to any other penalty provided for in this Title or under this Code and except as otherwise provided in this section, and subject to judicial discretion, as provided for in AS 12.55 and subject further to the provisions of AS 47.10 governing disposition of juveniles in juvenile cases:
 - 1. Community work service may be imposed as part of the sentence or as a condition of probation, suspended sentence, or suspended imposition of sentence whenever feasible and, as nearly as possible, shall be appropriate to the crime for which imposed; and
 - 2. An order imposing community work service shall specify one or more of the following as the remedy for failure to complete community work service as ordered:
 - a. Conversion of unsatisfied community work service hours to a fine at the rate of \$150.00 for every eight hours or fraction thereof;
 - b. Issuance of a bench warrant to secure return of the defendant or juvenile to court for imposition of sentence or deposition or modifications of conditions;
 - c. Conversion of the community work service requirement to an alternative condition;
 - d. Any remedy the court may lawfully impose.
 - e. Community work service may not be imposed for a violation under [chapter 8.75](#), provided however, nothing in this Title shall be construed to prohibit the election of community work service under and in accordance with [section 14.60.020](#)
- H. *Administrative fees.*
 - 1. *Program monitoring.* Persons assigned to a treatment program as part of sentencing shall be assessed an administrative fee of \$50.00 for the costs of file maintenance, supervision, and reporting.
 - 2. *Noncompliance.* Persons who violate or fail to comply with the terms of probation, fail to comply with court-ordered monitoring or treatment programs, or are reassigned to a treatment program in lieu of revoking their probation shall be assessed an administrative fee of \$50.00 for the costs of file maintenance, supervision, and reporting.

(AO No. 79-24; AO No. 82-134; AO No. 95-67(S), § 8, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-178, § 3, 9-26-95; AO No. 96-106, § 1, 8-6-96; AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-145(S-1), § 1, 12-11-01; AO No. 2006-52, § 1, 4-11-06)

TITLE 8 - PENAL CODE, Chapter 8.05 GENERAL PRINCIPLES

8.05.030 Attempt.

- A. A person who attempts to commit a crime, and in the attempt does any act toward the commission of the crime, but fails, or is prevented or intercepted in the perpetration of the crime, when no other provision is made by law for the punishment of the attempt, is guilty of a misdemeanor upon conviction.
- B. Upon conviction of an attempt to commit any crime, the person so convicted may be sentenced to serve no more than half the maximum imprisonment, fine, or both such fine and imprisonment provided by this Code for the crime attempted.
- C. This section shall not be construed to protect a person who, in attempting unsuccessfully to commit a crime, accomplishes another or different crime, whether greater or less in guilt, from suffering the punishment prescribed by law for the crime committed.

(AO No. 98-59(S), § 1, 5-19-98)

8.05.040 Parties to crimes.

- A. There shall be no distinction under this Code between an accessory before the fact and a principal, or between principals in the first and second degree. All persons concerned in the commission of a crime, whether they directly commit the act constituting the crime, or whether present at the scene of the crime or not, who aid and abet in its commission, shall be prosecuted, tried and punished as principals.
- B. The parties to crimes under this Code are:
 - 1. Principals.
 - 2. Accessories after the fact.
- C. Except in cases where a different punishment is prescribed by this Code, an accessory after the fact to any crime prohibited in this Code is punishable upon conviction by up to half the maximum fine, imprisonment, or both such fine and imprisonment provided for the crime committed.

(AO No. 98-59(S), § 1, 5-19-98)

8.05.050 "Child" and "minor" defined.

For purposes of this title, the term "child" refers to any person under 16 years of age, and the term "minor" refers to any person under 18 years of age.

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

8.05.060 Pretrial diversion program.

- A. The department of law may offer to offenders a settlement diversion in lieu of trial or sentencing. The settlement shall be in accordance with the following table, shall include the offender's waiver of the right to a speedy trial, and shall be given in exchange for dismissal of the pending charges. Dismissal shall only be effective if there is first complete and timely compliance with the conditions provided in this section.
- B. Table of offenses and pretrial diversion settlement terms. CWS = Community work service; DUE W/I = Payment due by and work service completed within; NCV = Probation, no criminal violations within.
 - 1. *Shoplifting or theft offenses.*

Exhibit A – Code text being repealed

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VALUE	CWS HOURS	FINE DUE	DUE W/I	NCV
\$0.00—\$25.00	16	\$150.00	60 days	6 months
\$25.01—\$50.00	24	200.00	90 days	6 months
\$50.01—\$100.00	32	250.00	90 days	6 months
\$100.01—\$150.00	40	300.00	120 days	12 months
\$150.01—\$200.00	48	350.00	120 days	12 months
\$200.01—\$300.00	56	400.00	120 days	12 months
Over \$300.00	Confer with prosecutor			

2. *Other charges.*

TYPE OF CHARGE	CWS HOURS	FINE DUE	DUE W/I	NCV
Disorderly conduct	40	Up to \$500.00	60 days	6 months
Child neglect	Parenting classes/DFYS		60 days	6 months
Indecent exposure	40	Up to \$500.00	60 days	12 months
Trespass	40	Up to \$500.00	60 days	6 months
Unauthorized entry	40	Up to \$500.00	60 days	6 months
Malicious destruction	40	Up to \$500.00	60 days	6 months
Must also provide restitution to victim if applicable				
Assignment/prostitution	40	Up to \$500.00	60 days	12 months

Exhibit A – Code text being repealed

TITLE 8 - PENAL CODE, Chapter 8.05 GENERAL PRINCIPLES

Must also provide HIV test results to MOA w/60 days				
False info/ID	40	Up to \$500.00	60 days	6 months
Must also provide positive proof of identification				
Gambling	40	Up to \$500.00	60 days	6 months
Resisting arrest	40	Up to \$500.00	60 days	12 months
DWLR/S/C	40	Up to \$500.00	60 days	6—12 months
DWOI	40	Up to \$500.00	60 days	6—12 months
Must also get operator's license and show proof of SR22 to PTD. Must also check driver's history and comply with other DMV requirements as needed.				
Reckless	40	Up to \$500.00	90 days	6—12 months
Must attend defensive driving classes with proof to PTD within 60 days.				
Not eligible if defendant put human life at risk.				
Traffic fines	N/A	25.00	60 days	N/A
Must attend defensive driving classes with proof to PTD within 60 days.				

(AO No. 2001-145(S-1), § 2, 12-11-01; AO No. 2003-73, § 2, 4-22-03; AO No. 2010-81(S-1), § 45, 12-7-10, eff. 1-1-11)

8.05.100 Definitions.

- A. The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous instrument means:

- Any deadly weapon or anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury; or

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2. Hands or other objects when used to impede normal breathing or circulation of blood by applying pressure on the throat or neck or obstructing the nose or mouth.

Physical injury means a physical pain or an impairment of physical condition.

(AO No. 2011-110, § 1, 11-8-11)

8.05.390 Magazine subscription sales. (Repealed)

(GAAB 18.05.010.JJ; AO No. 93-169, 4-13-94)

8.05.480 Destruction of official notices. (Repealed)

(GAAB 18.05.010.V; AO No. 93-169, § 2, 4-13-94)

TITLE 8 - PENAL CODE, Chapter 8.10 CRIMES AGAINST PERSONS

Chapter 8.10 CRIMES AGAINST PERSONS [\[1\]](#)

[8.10.010 Assault.](#)

[8.10.020 Stalking.](#)

[8.10.030 Child abuse.](#)

[8.10.040 Child neglect.](#)

[8.10.050 Family violence.](#)

[8.10.060 Contributing to the delinquency of a minor.](#)

[8.10.070 Enticement.](#)

[8.10.080 Indecent exposure or exhibition.](#)

[8.10.090 Illegal use of telephone or electronic communication.](#)

8.10.010 Assault.

- A. It is unlawful for any person to commit an assault.
- B. A person commits an assault if:
 - 1. That person recklessly causes physical injury to another person;
 - 2. With criminal negligence that person causes physical injury to another person by means of a dangerous instrument;
 - 3. By words or other conduct that person recklessly places another person in fear of imminent physical injury; or
 - 4. That person recklessly uses words or other conduct which places a family member, as defined in subsection 8.10.020.C.2, in reasonable fear of imminent physical injury or death to that family member or another person, provided however, this subsection does not prohibit lawful discipline of a minor by a parent or another person with lawful physical custody or control of a minor.
- C. A peace officer without a warrant may arrest a person when the peace officer has reasonable cause for believing that the person has committed a crime under subsection A of this section when the victim is a family member, as defined by subsection 8.10.020.C.2.
- D. It is unlawful when an assault is committed against the person of a police officer, firefighter, paramedic or animal control officer and the person committing the offense knows or reasonably should know that such victim is a police officer, firefighter, paramedic or animal control officer engaged in the performance of official duties.
- E. Violation of this section shall, upon conviction, be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 79-24; AO No. 85-209; AO No. 93-41; AO No. 97-66, § 1, 5-6-97; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2011-110, § 2, 11-8-11)

State law reference— Reckless endangerment, AS 11.41.250; Assault 4°, AS 11.41.240, arrest without warrant, AS 12.25.030.

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8.10.020 Stalking.

- A. It is unlawful for any person to commit the offense of stalking.
- B. A person commits the crime of stalking if the person knowingly engages in a course of conduct that recklessly places another person in reasonable fear of death or physical injury, or in reasonable fear of the death or physical injury of a family member.
- C. In this section, the following terms shall have the meaning given in this subsection:
 - 1. Course of conduct means repeated acts of non-consensual contact involving the victim or a family member.
 - 2. Family member means a:
 - a. Spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew or niece of the victim, whether related by blood, marriage or adoption;
 - b. Person who lives, or has previously lived, in a spousal relationship with the victim;
 - c. Person who lives in the same household as the victim; or
 - d. Person who is a former spouse of the victim or is or has been in a dating, courtship or engagement relationship with the victim.
 - 3. Non-consensual contact means any contact with another person that is initiated or continued without that person's consent, that is beyond the scope of the consent provided by that person, or that is in disregard of that person's expressed desire that the contact be avoided or discontinued. The term "non-consensual contact" includes:
 - a. Following or appearing within the sight of that person.
 - b. Approaching or confronting that person in a public place or on private property.
 - c. Appearing at the workplace or residence of that person.
 - d. Entering onto or remaining on property owned, leased or occupied by that person.
 - e. Contacting that person by telephone.
 - f. Sending mail or electronic communications to that person.
 - g. Placing an object on, or delivering an object to, property owned, leased or occupied by that person.
 - 4. Victim means a person who is the target of a course of conduct.
- D. Violation of this section shall, upon conviction, be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 93-200, § 1, 2-3-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

State law reference— Stalking in the second degree, AS 11.41.270; arrest without warrant, AS 12.25.030(b)(1).

8.10.030 Child abuse.

- A. It is unlawful for any person to commit child abuse.
- B. A person commits child abuse if he intentionally, knowingly, recklessly, or negligently causes or permits a child to be:

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1. In any place under circumstances creating a substantial risk of injury to the child; or
 2. Tortured; cruelly confined; cruelly punished or physically injured.
- C. In this section, the word "child" means a person under the age of 16 years.
- D. Physical injury is defined as to punch, kick, wound, bruise, or otherwise observably harm.
- E. It is an affirmative defense to subsection B that the action was taken as "reasonable parental discipline."
- F. "Reasonable parental discipline" is action taken for the purpose of safeguarding the child or promoting its moral, social, or cultural welfare. Factors to be considered in determining whether the action constituted reasonable parental discipline are:
1. Age of the child;
 2. Condition of the child;
 3. Type of misconduct;
 4. Kind of punishment inflicted;
 5. Degree of harm or pain to the child;
 6. Options that existed;
 7. Apparent motive of the parent;
 8. Cultural perspective of the parties.
- G. Actions which are prima facie unreasonable are:
1. Scalding, branding, burning of a child;
 2. Injuries that require or reasonably should have required medical treatment;
 3. Withholding of food for more than one meal;
 4. Injuries located on multiple body sites;
 5. Conduct likely to cause serious or permanent harm;
 6. Conduct that is significantly disproportionate;
 7. Conduct designed to torture or cruelly punish;
 8. Injuries to face or head;
 9. Shaking a child under five years of age.
- H. Violation of this section shall, upon conviction, be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(CAC 8.47.010; AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 1, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

State law reference— Endangering the welfare of a child, AS 11.51.100; child protection, AS 47.17.010.

8.10.040 Child neglect.

- A. It is unlawful for any person to commit child neglect.

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- B. A person commits the crime of child neglect if the person intentionally, knowingly, recklessly causes or permits the child;
1. To live in an unsanitary environment;
 2. To be without reasonable food, shelter or clothing;
 3. To be in a place under circumstances creating a substantial risk of injury to the child;
 4. To be exposed to a controlled substance as defined by AS 11.71.140-190;
 5. To be left with someone who lacks the maturity, responsibility, or judgment to provide adequate care;
 6. To be abandoned, i.e. parent is absent and no provision for care of the child has been made;
 7. To be inadequately supervised due to the demonstrated inability or unwillingness of the parent to care for the child at the time of the incident due to intoxication, addiction, or other circumstance.
- C. In this section, "child" means a person under the age of 16 years.
- D. Violation of this section shall upon conviction be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 2000-95, § 4, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

8.10.050 Family violence.

- A. It is unlawful for any person to commit the crime of family violence.
- B. A person commits the crime of family violence when the person commits the crime of assault as defined in AMC [8.10.010](#) with knowledge or reckless disregard of the presence of a child or children in the home.
- C. In this section, the word "child" means a person under the age of 16 years.
- D. Violation of this section shall, upon conviction be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 2000-95, § 5, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

8.10.060 Contributing to the delinquency of a minor.

- A. It is unlawful for an person to contribute to the delinquency of a minor. A person commits that crime under the following circumstance:
1. For any person being the age of 21 years or older to intentionally or knowingly participate in a crime with a minor who is four or more years younger than the person.
 2. For any person being the age of 18 years or older to intentionally or knowingly solicit a minor to commit a crime.
 3. For any person being the age of 18 years or older to intentionally or knowingly employ or utilize a minor in furtherance of a criminal act.
 4. For any person being the age of 18 years or older to intentionally or knowingly aid or assist a minor under the age of 16 from attending school.
 5. For any person being the age of 18 years or older to intentionally or knowingly aid or assist a minor from returning to the home of the minor's parents or legal guardian without the express permission from the parent, legal guardian or pursuant to court order, for more than 48 hours

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unless an official report of harm to the minor or request for assistance is made to Division of Family and Youth Services.

6. For any person being the age of 18 years or older to intentionally or knowingly furnish alcoholic beverages or controlled substances as defined in state statute to a minor.
- B. For purposes of this ordinance a minor means a person under 18 years of age unless otherwise stated.
- C. Violation of this section shall, upon conviction be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 2000-95, § 6, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

8.10.070 Enticement.

- A. It is unlawful for any person, with the intent to commit a crime, to contact another person or entice or attempt to entice that person to enter an automobile, building, bushes, wooded or secluded area, or public or private premises.
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(GAAB 18.05.010.M; AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 2, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

Note—Formerly [§ 8.10.040](#)

8.10.080 Indecent exposure or exhibition.

- A. It is unlawful for any person:
 1. To intentionally, knowingly, or recklessly expose his or her genitals in a public place, except as part of public entertainment or dramatic presentation; or
 2. To intentionally, knowingly, or recklessly expose his or her genitals to the view of other persons, which exposure is offensive to those persons or which is likely to cause affront or alarm.
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 2, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

Note—Formerly [§ 8.10.050](#)

State law reference— Indecent exposure, AS 11.41.460.

8.10.090 Illegal use of telephone or electronic communication.

- A. It is unlawful for any person, anonymously or otherwise, by telephone or electronic communication, to:
 1. Telephone another person and fail to terminate the connection with intent to harass and impair the ability of that person to place or receive telephone calls or electronic communications;

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2. Make repeated and unwanted contact with the intent to harass the recipient or that person's family member;
 3. Make a telephone call or electronic communication with the intent to harass the recipient or that person's family member that is unreasonably abusive and offensive to the recipient; or
 4. Make any threat during a telephone call or electronic communication which recklessly places the recipient in fear of injury or death or in fear that another will suffer injury or death.
- B. Violation of this section shall, upon conviction be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months or both such fine and imprisonment.
- C. Family member shall have the meaning provided in Anchorage Municipal Code subsection 8.10.020C.2.

(AO No. 82-134; AO No. 89-52; AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 3, 10-16-00; AO No. 2002-149, § 1, 10-15-02; AO No. 2003-73, § 3, 4-22-03; AO No. 2004-62, § 1, 3-16-04)

Note—Formerly [§ 8.10.060](#)

FOOTNOTE(S):

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Cross reference— Emergency proclamation, restricting certain activity, § 3.80.070. [\(Back\)](#)

State Law reference— Offenses against the person, AS 11.41.100 et seq. [\(Back\)](#)

TITLE 8 - PENAL CODE, Chapter 8.15 THEFT CRIMES

Chapter 8.15 THEFT CRIMES

[8.15.010 Theft defined.](#)

[8.15.020 Theft of lost property.](#)

[8.15.030 Theft by deception.](#)

[8.15.040 Theft of services.](#)

[8.15.050 Theft by shoplifting.](#)

8.15.010 Theft defined.

- A. A person commits theft if:
1. With the intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another; or
 2. The person commits theft of lost property under AMC [8.15.020](#); or
 3. The person commits theft by deception under AMC [8.15.030](#); or
 4. The person commits theft of services under AMC [8.15.040](#); or
 5. The person commits theft by shoplifting under AMC [8.15.050](#)
- B. Penalties. The crime of theft as defined in AMC 8.15.010A is punishable by a fine of not more than:
1. \$2,000.00 or imprisonment of not more than six months, or both such fine and imprisonment, if the value of the property or services is \$5.00 or more but less than \$50.00.
 2. \$10,000.00 or imprisonment of not more than one year, or both such fine and imprisonment, if the value of the property or services is \$50.00 or greater.
- C. As an alternative to the remedies, procedures and penalties provided in this section and [section 1.45.010](#), if the value of the property or services is \$5.00 or more but less than \$50.00, a violation of this section may be charged as a civil violation, subject to and prosecuted in accordance with Title 14 and shall be punishable by a civil penalty in accordance with [chapter 14.60](#)
1. This subsection shall not apply if the merchandise or thing of value is an alcoholic beverage; the penalties applicable for theft of an alcoholic beverage are set out in [section 8.15.010](#) B.

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2009-122, § 1, 12-17-09)

State law reference— AS 11.46.140 Theft in the third degree.

8.15.020 Theft of lost property.

- A. A person commits theft of lost property if that person comes into control of property of another that the person knows or reasonably should know to have been lost, mislaid, stolen, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient and if, with the intent to deprive the owner thereof, the person fails to take reasonable measures to restore the property to a person entitled to have it.
- B. As used in this section, "reasonable measures" includes notifying the identified owner or peace officer.

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- C. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.
(AO No. 91-140; AO No. 98-59(S), § 1, 5-19-98)

State law reference— Theft by receiving, AS 11.46.190; theft of lost or mislaid property, AS 16.46.160.

8.15.030 Theft by deception.

- A. A person commits theft by deception if that person knowingly obtains money, property or other things of value:
1. By false pretenses or representations, whether oral, written or otherwise; or
 2. By use of any device or means by which the use of a machine or service is secured without paying or contracting to pay the established consideration therefore; or
 3. By charging the consideration to another person without the authorization or subsequent consent of the person.
- B. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.
(GAAB 18.05.010.KK; AO No. 98-59(S), § 1, 5-19-98)

8.15.040 Theft of services.

- A. A person commits theft of services if:
1. The person obtains services known by that person to be available only for compensation by deception, force, threat, or other means to avoid payment for the services; or
 2. Having control over the disposition of services to which the person is not entitled, the person knowingly diverts those services to the person's own benefit or to the benefit of another not entitled to them.
- B. As used in this section, "services" include but are not limited to public utility services; private or public transportation services; public or private hotel or lodging services; and public or private restaurant, food, or beverages services, including the cost of food or beverage.
- C. Proof that the services were obtained by false pretenses, or that the person refused or neglected to pay for these things on demand is prima facie evidence of the fraudulent intent required in subsection A of this section.
- D. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.
(GAAB 18.05.160; AO No. 98-59(S), § 1, 5-19-98)

State law reference— Theft of services, AS 11.46.200(2)(b).

8.15.050 Theft by shoplifting.

- A. *Removal of merchandise.* A person commits the crime of removal of merchandise if that person knowingly takes or removes any merchandise or thing of value from the premises where such merchandise or thing of value is kept for purposes of sale, barter or storage with the intent to unlawfully appropriate the merchandise or to deprive the owner or person lawfully entitled to its possession.

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- B. *Concealment of merchandise.* A person commits the crime of concealment of merchandise if that person knowingly conceals upon or about his or her person any merchandise or thing of value upon the premises where such merchandise or thing of value is kept for the purposes of sale, barter or storage. Any merchandise or thing of value found concealed upon or about the person and which has not theretofore been purchased by the person is prima facie evidence of knowing concealment.
- C. *"Consent" defined.* As used in this section, the term "consent" shall mean express consent, or consent implied by possession of a sales ticket, slip or receipt issued for and accompanied by the article of merchandise or thing of value.
- D. Upon conviction, violation of this section shall be punished as provided in section 8.15.010B.

(GAAB 18.05.040; AO No. 89-52; AO No. 98-59(S), § 1, 5-19-98)

State law reference— Civil liability for shoplifting, AS 9.68.110; concealment of merchandise, AS 11.46.220.

TITLE 8 - PENAL CODE, Chapter 8.20 CRIMES AGAINST PROPERTY

Chapter 8.20 CRIMES AGAINST PROPERTY

[8.20.010 Malicious destruction of property.](#)

[8.20.020 Vehicle tampering.](#)

[8.20.030 Graffiti and related vandalism.](#)

[8.20.040 Destruction or disconnect of communication equipment](#)

8.20.010 Malicious destruction of property.

- A. It is unlawful for any person to recklessly or intentionally injure or destroy any real or personal property not his own.
- B. In addition to all other fines and penalties provided for in this section, persons violating this section shall:
 - 1. Perform community service of not less than 20 nor more than 100 hours; and
 - 2. Restore or replace the property at their sole expense and at the direction and under the supervision of the property owner.
- C. If the person violating this section fails to restore or replace the property, the owner thereof may cause the same to be accomplished and charge the person responsible for doing so for the reasonable expense incurred and recover such expenses by civil action.
- D. Any act in violation of this section committed by a minor under the age of 18 years who is not a runaway, as that term is defined by AS 47.10.390, when the violation occurred, shall be imputed to that minor's parent or legal guardian who shall be liable for payment of the fine and expense of restoration.
- E. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(GAAB 18.05.010.L; AO No. 94-221(S), § 2, 3-23-95; AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 7, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

State law reference— Criminal mischief, AS 11.46.486.

8.20.020 Vehicle tampering.

- A. It is unlawful for any person to intentionally:
 - 1. Injure or tamper with any motor vehicle or the contents thereof, or to break or remove any part of a vehicle, without the consent of the owner; or
 - 2. With the intent to commit a crime, climb into or upon a motor vehicle; or
 - 3. With the intent to commit a crime, attempt to manipulate or actually manipulate any mechanism or device which is part of a motor vehicle; or
 - 4. With the intent to commit a crime, set in motion any vehicle;
 - 5. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

TITLE 8 - PENAL CODE, Chapter 8.20 CRIMES AGAINST PROPERTY

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.20.030 Graffiti and related vandalism.

- A. *Purpose and intent.* It is the purpose and intent of this section to prevent graffiti and to promote its eradication, and to prevent related vandalism, as graffiti and related vandalism adversely affects property, both public and private. It is the further intent of this section to fight against blight, to preserve the value of property, both public and private, and to promote the security of the community, all of which are threatened by graffiti and graffiti-related vandalism.
- B. *Definitions.* For the purpose of this section, the following definitions shall apply:
1. *Aerosol paint container* means any canister, can, bottle, container or other receptacle which contains any substance commonly known as paint, stain, dye or other pigmented substance which is or can be modified to contain pressure, or be pressurized, in order to impel or propel any such substance.
 2. *Graffiti* means any inscription, symbol, design or configuration of letters or numbers written, drawn, etched, marked, painted, stained, stuck on or adhered to any surface on public or private property without the express permission of the owner of such property, including but not limited to trees, signs, poles, fixtures, utility boxes, walls, paths, walks, streets, underpasses, overpasses, bridges, trestles, buildings or any other structures or surfaces.
 3. *Graffiti implement* means any implement capable of marking a surface to create graffiti, including but not limited to aerosol paint containers, markers and gum labels.
 4. *Gum label* means any material such as, but not limited to, decals, stickers, posters or labels which contain a substance commonly known as adhesive or glue, which cannot be removed from the surface in an intact condition and with minimal efforts.
 5. *Marker* means any indelible or permanent marker, or similar implement containing an ink that is not water soluble.
- C. *Prohibition of graffiti.* It shall be unlawful for any person to intentionally or knowingly commit any overt act resulting in or attempting to result in application of graffiti on any surface on public or private property without the express permission of the owner of such property, including but not limited to trees, signs, poles, fixtures, utility boxes, walls, paths, walks, streets, underpasses, overpasses, bridges, trestles, buildings or any other structures or surfaces.
- D. *Possession of graffiti implements.* It shall be unlawful for any person to intentionally or knowingly possess any graffiti implement while on public or private property without the express consent of the owner of such property, in a manner that warrants a justifiable and reasonable alarm or immediate concern for the safety of property in the vicinity. Among the circumstances which may be considered by the enforcement officer in determining whether such alarm or immediate concern is warranted, is the fact that the person takes flight upon appearance of an enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or the graffiti implement. Prior to any citation being issued to a person for a violation of this subsection, such person shall be afforded an opportunity by the enforcement officer to dispel any alarm or immediate concern which could otherwise be warranted by requesting such person to identify himself and explain his presence and conduct.
- E. *Parental civil liability.* Any act in violation of subsection B. or C. of this section committed by a minor under the age of 18 years shall be imputed to that minor's parent or legal guardian. A parent or legal guardian of a minor who violates subsection B. or C. of this section shall be liable for the payment of any civil fine and the expense of restoration as set forth in subsection F. of this section.
- F. *Penalty.* Violators shall be ordered to remove the graffiti, or if it has already been removed, repay the property owner, the municipality, or the graffiti busters program the costs of such removal including

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labor costs. Failure to comply with ordered removal or payment of costs shall create a cause of action that can be enforced in a civil suit. Any person who commits a violation of subsection D. of this section shall be punished by a fine of not more than \$100.00 for each offense. Violations of subsection D. shall, upon conviction, be punished by a fine of not more than \$2,000.00 or six months imprisonment, on both such fine and imprisonment.

- G. *Civil remedies.* As an alternative to other penalty provisions of this section:
1. Any person who violates any provision of this section shall be subject to and shall pay to the municipality civil penalties equivalent to and on the same basis as the monetary penalties provided for in subsection F. of this section;
 2. Any person, including the municipality, may seek appropriate injunctive relief for the enforcement of this section, its penalties and remedial provisions, including but not limited to actions for abatement, prevention of violations, and enforcement of all remedial and preventive provisions of this section as may be appropriate; and
 3. 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](#)
- H. Graffiti on any public or private property visible from any public right-of-way, including but not limited to any street, highway, road, alley or walkway, is declared a public nuisance. The municipality shall give notice to the property owner requesting the owner to remove or cause to be removed such graffiti.
- I. *Anti-graffiti trust fund.* There is hereby created the municipal anti-graffiti trust fund. All civil fines paid by violators of this section and ultimately received by the municipality shall be placed in the fund. The fund may also receive monetary donations from citizens, businesses and other organizations. The mayor, or his designee, shall direct the expenditure of monies in the fund. Such expenditures shall be limited to the payment of rewards under subsection J of this section and restoration costs.
- J. *Reward for providing information.* Any person who shall provide information which leads to the actual payment of a fine by a violator of subsection C. of this section, is entitled to receive from the municipality a monetary reward of up to \$500.00. The mayor, or his designee, shall determine the actual amount of reward and whether a particular reward shall be divided among persons based on the information provided and the number of persons providing the information. In no event shall the total reward relating to a particular violation exceed \$500.00.

(AO No. 94-134(S), § 1, 9-8-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.20.040 Destruction or disconnect of communication equipment

- A. It is unlawful for any person to disconnect, injure, or destroy any communication equipment, regardless of whether owned by such person, with the intent to prevent a family member, as defined by subsection 8.10.020.C.2, from communicating with emergency service agencies or others.
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 2000-95, § 8, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

TITLE 8 - PENAL CODE, Chapter 8.25 WEAPON CRIMES

8.25.040 Drive-by shooting.

- A. A person commits the offense of a drive-by shooting if the person:
1. Intentionally, knowingly, or recklessly discharges a firearm into or at an occupiable dwelling from a motor vehicle;
 2. Intentionally, knowingly, or recklessly discharges a firearm into an occupied or unoccupied motor vehicle from another motor vehicle; or
 3. Drives or operates a motor vehicle from which a firearm is discharged into an occupiable dwelling or an occupied or unoccupied motor vehicle with the intent to aid the discharge, or with knowledge or reckless disregard that such action will occur.
- B. It is prima facie evidence that a person drove or operated a motor vehicle with the requisite mental state if, after the firearm is discharged, the person does not immediately stop the person's motor vehicle and:
1. Immediately by the quickest means of communication, give notice of such discharge to the police department along with the person's name and address;
 2. Ascertain whether any person has been injured as a result of the discharge; and
 3. Render reasonable assistance to any person injured due to the discharge, including carrying or making arrangements for the carrying of any injured person for medical treatment if it is apparent medical treatment is necessary; or
 4. In the case where only property damage has occurred the driver shall locate the property owner or attach securely in a prominent place in or on the damaged property a legible written notice which includes the person's name and address.
- C. It is a defense to the charge under subsection A.3. of this section and any charge of aiding and abetting subsection A.1 or A.2 of this section that the driver or operator complied with the requirements of subsection B. of this section.
- D. Drive-by shooting is a misdemeanor punishable by a maximum fine of \$10,000.00 and a maximum term of imprisonment of one year, or both such fine and imprisonment. In addition, the firearm shall be forfeited to the Municipality of Anchorage. The court may also order forfeiture of the defendant's interest in the vehicle to the municipality.

(AO No. 95-187(S), § 1, 10-26-95; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

TITLE 8 - PENAL CODE, Chapter 8.30 CRIMES AGAINST PUBLIC ORDER

Chapter 8.30 CRIMES AGAINST PUBLIC ORDER

[8.30.010 Resisting or interfering with peace officer.](#)

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8.30.010 Resisting or interfering with peace officer.

A. A person commits the crime of resisting or interfering with a peace officer when

1. The person intentionally, recklessly, or knowingly delays or obstructs the person's own arrest by the use of force;
2. The person intentionally, recklessly, or knowingly delays or obstructs the arrest of another by the use of force;
3. The person intentionally, recklessly, or knowingly delays or obstructs the person's arrest by fleeing, hiding, engaging in a stand-off, or barricading himself;
4. The person intentionally, recklessly, or knowingly delays or obstructs a police officer's active investigation of a crime by fleeing after having been told to stop;
5. The person intentionally, recklessly or knowingly resists, obstructs or interferes with the lawful efforts of any firefighter or paramedic in the discharge or attempted discharge of an official duty;
6. The person intentionally, recklessly or knowingly disobeys the lawful orders of any public officer; or
7. The person intentionally or recklessly engages in conduct which delays or prevents a fire from being timely extinguished or emergency services from being provided.

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8. It is unlawful for any person to intentionally injure, destroy, take or attempt to take personal property from the custody of any public officer or person which is possessed by process of law.
- B. For the purposes of this section, the term "public officer" means any police officer, firefighter or fire department official, paramedic, animal control officer, or any other public official engaged in law enforcement duties at the time of the offense.
- C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.
- (AO No. 82-126; AO No. 89-52; AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 9, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

8.30.020 False information.

- A. It is unlawful for any person who is under arrest or detention by a peace officer for the purpose of issuance of a complaint or citation for violation of any state law or municipal ordinance to knowingly provide such officer with false information concerning the person's name, address, driver's license or date of birth, or any other matter necessary to proper issuance of the citation or complaint.
- B. It is unlawful for a person who has an arrest warrant outstanding to knowingly provide a peace officer with false information concerning the person's name, address, driver's license or date of birth, or any other matter necessary to proper service of the warrant.
- C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.
- (GAAB 18.05.030; AO No. 82-134; AO No. 89-124; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

State law reference— Making a false report, AS 11.56.800(a)(2).

8.30.030 Escape and attempt to escape.

- A. It is unlawful for any person to knowingly escape or attempt to escape from the detention or custody of a peace officer or from a jail or institution in which the person is detained by a peace officer or confined by direction of a court, or from custody under process issued by a court.
- B. It is unlawful for any person to knowingly aid or assist a person in an escape or attempted escape as defined in this section.
- C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.
- (AO No. 94-130, § 1, 9-20-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

State law reference— Escape in the fourth degree, AS 11.56.230.

8.30.040 Failure to report escape.

- A. It is a crime for the department of corrections to intentionally or knowingly fail to report escapes, attempted escapes, or the failure of inmates to return after authorized leave under AS 33.30.091 through 33.30.181 to the police department within 24 hours of the escape, attempted escape, or failure to return.

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- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 94-130, § 2, 9-20-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.30.050 False information.

- A. It is unlawful for any person to:

1. report to any police officer, district attorney, prosecutor, assistant district attorney, or other official of any public law enforcement or prosecution agency that a felony or misdemeanor has been or will be committed, knowing such report to be false.
2. knowingly give false information to any public servant
 - a. with the intent of implicating another in an offense; or
 - b. concerning the person's identity while the person is
 - i. under arrest, detention, or investigation for a crime; or
 - ii. being served with an arrest warrant or being issued a citation.
3. knowingly register, make, render, report or give false information to any public servant indicating that a public safety incident has occurred or is about to occur.
4. knowingly register, make, render or report any false information to any person which indicates that a circumstance dangerous to human life or safety exists or is about to exist which
 - a. places a person in fear of physical injury to any person;
 - b. directly or indirectly causes evacuation of a building; or
 - c. directly or indirectly causes serious public inconvenience.

- B. It is unlawful for any person to knowingly register, make, render, or report any false alarm, report or complaint to any public servant.

- C. Definitions.

False information in this section means any untrue information delivered by any means, including but not limited to, telephone, cellular phone, email, fax, mail, radio, television, or written or oral communication.

Public safety incident means an event which is or could be dangerous to life or property and which caused or could have caused an immediate or emergency police, fire, or other public safety or public health services response.

- D. Sentencing. Violation of subsection A. shall, upon conviction, be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment. Violation of subsection B. shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

- E. Costs. Responding agencies may recover the actual, reasonable costs of responding to false information from the person or persons convicted under this section.

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-175(S), § 1, 10-30-01; AO No. 2003-73, § 3, 4-22-03)

State law reference— Making a false report, AS 11.56.800.

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8.30.060 False bomb report. (Repealed)

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-175(S), § 1, 10-30-01)

8.30.070 Impersonation of public officer.

- A. A person commits the crime of impersonation of a public officer if the person knowingly and falsely represents himself to be a public officer and in such assumed character:
 - 1. Obtains money, property, or other thing of value, or
 - 2. Arrests or detains, threatens to arrest or detain, or otherwise threatens any person; or
 - 3. Searches a person or property; or
 - 4. Obtain or requires the assistance of another in any matter pertaining to the duties of a public officer.
- B. As used in this section, a public officer includes peace officers, firemen, paramedics, magistrates, judges, municipal attorneys and prosecutors, municipal inspectors, officials, or clerks, but is not limited to them.
- C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

State law reference— Impersonating a public servant, AS 11.56.830.

8.30.080 Tampering with official proceedings.

- A. A person commits the crime of tampering with official proceedings if:
 - 1. The person intentionally destroys, alters, conceals, or withholds any item knowing such item is relevant to a criminal investigation or trial;
 - 2. The person renders assistance to a person who has committed a crime with the intent to hinder the apprehension, prosecution, conviction or punishment of that person;
 - a. For the purposes of this section, "renders assistance" is defined in accordance with AS 11.56.770(b).
 - 3. The person knowingly induces or attempts to induce a witness to testify falsely, offer misleading testimony, or withhold testimony or evidence in an official proceeding;
 - 4. The person knowingly induces or attempts to induce a witness to be absent from a judicial proceeding to which the witness has been summoned or subpoenaed.
 - 5. The person harms or threatens harm to the person or property of another with the intent to influence the testimony of a witness, influence or retaliate against a juror.
 - 6. The person makes a false statement which the person does not believe to be true under oath in a municipal criminal case.
 - a. Retraction as set forth in AS 11.56.235 is a defense to subsection A.6. of this section
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year or both.

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

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State law reference— Tampering with physical evidence, AS 11.56.610.

8.30.090 Failure to appear.

- A. It is unlawful for any person charged with violating any provision of this Code, which violation is punishable as a crime, to fail to appear for any arraignment, hearing, trial or other court appearance which pertains to such charge after having been given proper notice in person or through authorized counsel.
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months or both such fine and imprisonment.
- C. 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](#)

(AO No. 80-92; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

State law reference— Failure to obey citation, AS 12.25.230.

8.30.100 Solicitation of illegal act.

- A. It is unlawful to knowingly solicit a person for the purpose of committing any illegal act.
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(GAAB 18.05.010.R; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

State law reference— Solicitation, AS 11.31.110, AS 11.81.900(b)(55).

8.30.110 Violation of conditions of release.

- A. It is unlawful for any person charged with any criminal offense to knowingly violate or fail to adhere to any restrictions on travel, association, place of abode, or any other restriction or condition of release, with or without bail, imposed by any court in connection with such charge.
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 94-203, § 1, 12-13-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.30.115 Unlawful contact.

- A. A person commits the crime of unlawful contact if the person:
 - 1. Has been arrested for a crime against a person or a crime involving domestic violence; and
 - 2. Has been ordered not to contact a victim or witness of the offense by any court in connection with such a charge; and
 - 3. The charge or case has not been dismissed; and

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4. Either directly or indirectly, knowingly contacts or attempts to contact the victim or witness in violation of the court order.
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00, or imprisonment for not more than six months, or both a fine and imprisonment.

(AO No. 2006-116, § 1, 9-29-06)

8.30.120 Disorderly conduct.

- A. It is unlawful for any person to:
 1. Knowingly solicit another to engage in or engage in sexual penetration, as defined in AS 11.81.900(b), in a public place or a place reasonably exposed to public view.
 2. Knowingly generate loud noise in a public place with the intent to disturb others or in reckless disregard of the peace and privacy of others.
 3. Knowingly generate loud noise in a private place with the intent to disturb others or in reckless disregard of the peace and privacy of others after having been informed that the loud noise is disturbing the peace and privacy of others not in the same place.
 4. Knowingly look or peep into an enclosed area for the purpose of observing another person who has a reasonable expectation of privacy therein. As used in this subsection, the term "enclosed area" includes but is not limited to tanning booths, dressing rooms, toilets, and washrooms.
 5. Knowingly refuse to comply with a lawful order of the police to disperse in a public place when a criminal offense has occurred.
 6. Knowingly challenge another to fight, or engage in fighting other than in self-defense.
 7. Knowingly or recklessly create a hazardous condition for others.
 8. Intentionally spit on a police officer.
- B. For purposes of this section, the term:
 1. Loud noise, in a private place, means noise which is loud enough to awaken the average person sleeping in a place other than the private place. If the loud noise constitutes speech, the content of speech or evidence of specific words used by the defendant is admissible in evidence against him only as permitted by court rule.
 2. Loud noise, in a public place, means noise which is loud enough to inhibit the ability of the average person in the same place to converse freely without leaving the public place.
 3. Public place means a place where the public is permitted to assemble, enter or pass through, whether publicly or privately maintained, including but not limited to places of accommodation, transportation, business and entertainment, or any other place which is not a private place.
- C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(GAAB 18.05.010; AO No. 89-52; AO No. 95-149(S), § 1, 11-2-95; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

State law reference— Disorderly conduct, AS 11.61.110.

8.30.125 Pedestrian interference.

- A. The following definitions apply in this section:

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1. *"Obstruct pedestrian or vehicular traffic"* means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle which such other person or vehicle has a right to make, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional rights, and acts authorized pursuant to a sidewalk encroachment permit under [section 24.30.020](#), a right-of-way special activity permit under regulation [section 9.14.004](#), or a parade permit under regulation [chapter 9.36](#). shall not constitute obstruction of pedestrian or vehicular traffic.
 2. *"Public place"* means a place to which the public or a substantial group of persons has access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, convention centers, sports arenas, schools, plazas, parks, and playgrounds.
- B. It is unlawful for any person to, in a public place, intentionally and substantially obstruct pedestrian or vehicular traffic.
- C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than 90 days, or both such fine and imprisonment.

(AO No. 2011-112, § 2, 11-22-11, eff. 12-22-11)

8.30.130 Unlawful operation of an unlicensed nightclub.

- A. It is unlawful for any person intentionally to operate an unlicensed nightclub in violation of AMC [21.45.245](#)
- B. It is prima facie evidence of intent to violate this subsection that the unlicensed nightclub continues to operate in violation of AMC [21.45.245](#) after a person who operates such an unlicensed nightclub receives a citation pursuant to AMC [21.45.245](#) and AMC [14.60.030](#)
- C. For purposes of this section, "to operate" means to:
1. Direct or control the work force of an enterprise;
 2. Start or keep the enterprise working; or
 3. Have control or right of control over premises that are used with the knowledge of the person with control or right of control as an unlicensed nightclub and permitting the unlicensed nightclub to remain open without making an effort to prevent its remaining open.
- D. Violation of this section shall, upon conviction, be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 98-160, § 1, 12-8-98; AO No. 2003-73, § 3, 4-22-03)

8.30.140 Abuse of third party appointment.

- A. It is unlawful for any person to:
1. Intentionally, knowingly, or recklessly make a false statement to the court while being examined regarding the duties of a third-party custodian;
 2. Intentionally, knowingly, or recklessly fail to comply with the conditions set by the court on the third-party appointment; or
 3. Intentionally, knowingly, or recklessly fail to immediately report that the defendant has violated any condition of the defendant's release.
- B. Violation of this section shall, upon conviction, be punishable by a fine of not more than \$2,000.00 or imprisonment of not more than six months, or both such fine and imprisonment.

Exhibit A – Code text being repealed

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(AO No. 2000-95, § 10, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

8.30.150 Failure to remand.

- A. It is unlawful for any person to intentionally, knowing, or recklessly fail to report to serve a jail sentence as ordered by the court.
- B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 2000-95, § 10, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

TITLE 8 - PENAL CODE, Chapter 8.35 DRUG ABUSE AND PARAPHERNALIA

Chapter 8.35 DRUG ABUSE AND PARAPHERNALIA ⁽¹⁾

[8.35.010 Definitions.](#)

[8.35.020 Sale of drug paraphernalia.](#)

[8.35.025 Possession of drug paraphernalia.](#)

[8.35.030 Civil remedies.](#)

[8.35.100 Synthetic cannabinoids.](#)

[8.35.110 Illegal synthetic compounds.](#)

8.35.010 Definitions.

- A. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Analogue means a chemical compound that is structurally similar to another but differs slightly in composition (as in the replacement of one atom by an atom of a different element or in the presence of a particular functional group).

Controlled substance means a substance identified as a controlled substance by AS 11.71 and listed on Schedule IA, IIA, IIIA, IVA, VA, or VIA in AS 11.71.140—AS 11.71.190.

Drug paraphernalia means any items whose objective characteristics or objective manufacturer's design indicate that it is intended for use in the consumption, ingestion, inhalation, injection or other method of introduction of:

1. A controlled substance into the human body or to facilitate a violation of AS 11.71; or
2. A product containing illegal synthetic cannabinoids under [section 8.35.100](#) or an illegal synthetic compound under [section 8.35.110](#)

Drug paraphernalia includes but is not limited to:

1. Kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. Kits used or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
3. Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance.
4. Testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances except for use by or under the direction of law enforcement agencies or medical research or treatment facilities.
5. Scales and balances used or intended for use in weighing or measuring controlled substances.
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled substances.
7. Separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

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8. Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances.
9. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
10. Containers and other objects used or intended for use in storing or concealing controlled substances.
11. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body.
12. Objects used or intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - b. Water pipes.
 - c. Carburetion tubes and devices.
 - d. Smoking and carburetion masks.
 - e. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - f. Miniature cocaine spoons and cocaine vials.
 - g. Chamber pipes.
 - h. Carburetor pipes.
 - i. Electric pipes.
 - j. Air-driven pipes.
 - k. Chillums.
 - l. Bongs.
 - m. Ice pipes or chillers.
 - n. Crack (cocaine) bongs, stems, or pipes.
 - o. Crank (methamphetamine) bongs or pipes.

Drug paraphernalia also means any item where circumstances reasonably indicate that the subjective intent of its possessor is to use it or sell it for the consumption, ingestion, inhalation, injection or other method of introduction of a controlled substance into the human body or to facilitate a violation of AS 11.71. Circumstances to be considered in assessing the subjective intent include but are not limited to:

1. Statements by the manufacturer, the owner or by anyone in control of the object concerning its use.
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.
3. The proximity of the object, in time and space, to a direct violation of AS 11.71.010-060 or AS 17.30.020-080.
4. The proximity of the object to controlled substances.
5. The existence of any residue of controlled substances on the object.

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6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably known, intend to use the object to facilitate a violation of AS 11.71.010-060 or AS 17.30.020-080. The innocence of an owner, or of anyone in control of the object, as to a direct violation of AS 11.71.010-060 or AS 17.30.020-080 shall not prevent a finding that the object is intended for use as drug paraphernalia.
7. Instructions, oral or written, provided with the object concerning its use.
8. Descriptive materials accompanying the object which explain or depict its use.
9. National and local advertising concerning its use.
10. The manner in which the object is displayed for sale.
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
12. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
13. The existence and scope of legitimate uses for the object in the community.
14. Expert testimony concerning its use.

Homologue means one of a series of compounds distinguished by addition of a CH₂ group in successive members.

Sell and sale mean the commercial transfer of ownership, possession or use of drug paraphernalia in the regular course of a wholesale or retail business for consideration of any type.

(AO No. 81-219; AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 11, 10-16-00; AO No. 2010-87(S), § 2, 12-7-10; AO No. 2011-106(S), § 2, 11-8-11)

Cross reference— Definitions and rules of construction generally, § 1.05.020.

8.35.020 Sale of drug paraphernalia.

A. It is unlawful for a person to:

1. Knowingly sell, give, barter or trade drug paraphernalia except as specifically authorized and permitted under the provisions of AS 17 and by such rules and regulations as are adopted thereto.
2. Knowingly possess with intent to sell drug paraphernalia except as specifically authorized and permitted under the provisions of AS 17 and by such rules and regulations as are adopted thereto.
3. Violation of this section shall, upon conviction, be punished by a fine of not more than \$10,000 or imprisonment for not more than one year, or both such fine and imprisonment, plus forfeiture of confiscated items.

(AO No. 81-219; AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 12, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

8.35.025 Possession of drug paraphernalia.

A. It is unlawful for a person to intentionally or knowingly possess drug paraphernalia in public regardless of whether the item of paraphernalia is publicly displayed.

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- B. It is a defense to violation of this ordinance that the item of drug paraphernalia is necessary for medical use of a validly prescribed prescription drug or controlled substance.
- C. Violation of this ordinance carries a maximum \$500.00 fine plus forfeiture of the seized paraphernalia.

(AO No. 2000-95, § 13, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

8.35.030 Civil remedies.

- A. In addition to the criminal penalties contained in sections [8.35.020](#) and [8.35.025](#), violators are subject to civil remedies as follows:
 - 1. *Civil fine; injunctive relief.* Any person who violates any provision of this chapter shall be subject to a civil fine of not less than \$50.00 and not more than \$2,000.00 for each offense or injunctive relief to restrain the person from continuing the violation or threat of violation or both injunctive relief and a civil fine. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this chapter, the superior court shall grant injunctive relief to restrain the violation.
 - 2. *Continuing violations.* Each day of violation of any provision of this chapter shall constitute a separate offense.
 - 3. *Forfeiture of paraphernalia.* Any item sold or possessed by any person after a court has adjudicated such an item to constitute drug paraphernalia as defined by section 835.010 shall be subject to forfeiture of the paraphernalia to the municipality upon order of the court entered in any injunction proceedings instituted under the authority of this section or in a separate forfeiture action instituted by the municipality.

(AO No. 81-219; AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 14, 10-16-00; AO No. 2003-73, § 3, 4-22-03)

8.35.100 Synthetic cannabinoids.

- A. It shall be unlawful for any person or entity to knowingly manufacture, assemble, distribute, dispense, sell, attempt to sell, give, trade, barter, transfer, or to otherwise furnish in a single transaction any product or combination of products containing synthetic cannabinoids, such as products commonly known as "K2", "Spice", "Genie", "DaScents", "Zohai" or similar products. Synthetic cannabinoids contain one or more of the following chemical compounds:
 - 1. HU-210: (6aR, 10aR)-9-(hydroxymehty1)-6,6 dimethyl-3-(2methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo[c]chromen-1-ol, or 6aR-trans-3-(1,1-Dimethylheptyl)-6a,7,10, 10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pran-9-methanol;
 - 2. HU-211: (6aS, 10aS)-9- (hydroxmethyl)-6,6-dimethyl-3-(2-methyloctan-2-y1)-6a,7,10,10a-tetsahydrobenzo[c]chromen-1-ol) (also known as Dexanabinol);
 - 3. CP47,497 and homologues: 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-y1)phenol;
 - 4. JWH-018: 1-Pentyl-3-(1-naphthoyl)indole;
 - 5. JWH-019: 1-Hexyl-1-(1-naphthoyl)indole;
 - 6. JWH-073: 1-Butyl-3-(1-naphthoyl)indole;
 - 7. JWH-081: 1-pentyl-3-(4-methoxy-1-naphthoyl)indole, (also known as 4-methoxynapthalen-1-yl-(1-pehtylindol-3-yl)methanon);
 - 8. JWH-200: 1-[2-4-morpholiny)ethyl]-3-(1-naphthoyl)indole;

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9. JWH-250: 1-pentyl-3-(2-methoxyphenylacetyl)indole, (also known as 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone;
 10. JWH-398: 1-Pentyl-3-(4-chloro-1-naphthyl)indole)
 11. TEMPP: 1-(3 trifluoromethylphenyl) piperazine;
 12. BZP: N-benzylpiperazine; or
 13. Any other synthetic cannabinoids or derivatives, salts, isomers, or salts of isomers with similar chemical structure and pharmacological activity as the substances described above.
 14. This prohibition shall also apply to any other equivalent compound, substance, or derivative, whether described as tobacco, herbs, incense, food, nutrient, spice or any blend thereof which, when smoked or ingested, mimics the effects of a controlled substance, regardless of whether the substance is marketed for the purpose of being smoked or ingested.
- B. It shall be unlawful to manufacture synthetic cannabinoids described in subsection A. within the municipality.
- C. It shall be unlawful for any person or entity to recklessly manufacture, assemble, distribute, sell, market, display for sale, or offer for sale within the municipality products containing synthetic cannabinoids described in subsection A.
- D. Products containing synthetic cannabinoids may not be possessed, ingested, burned, incinerated or ignited in the Municipality.
- E. A person or entity violating the provisions of subsections A. or B. shall be guilty of a misdemeanor and shall be punishable by:
1. A fine of not more than \$5,000 or imprisonment of not more than one year, or both.
- F. A person or entity violating the provisions of subsection C. shall be guilty of a misdemeanor and shall be punishable by:
1. A fine of not more than \$5,000 or imprisonment of not more than six months, or both.
- G. A person or entity violating the provisions of subsection D. shall be guilty of a misdemeanor and shall be punishable by:
1. A fine of not more than \$5,000.00 or imprisonment of not more than six months, or both.
- H. As an alternative to the remedies, procedures and penalties provided in this title and [section 1.45.010](#), a violation of subsection C. or D. 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](#)
- I. If, after multiple violations by the same person or entity, the municipal attorney and the Anchorage Police Department determine the imposition of criminal penalties or civil fines will not be effective in enforcing this section, the municipal attorney may seek any other remedies provided by law, including injunctive relief.
- J. It is not an offense under this section if the person or entity was acting at the direction of an authorized agent of the municipality to enforce or ensure compliance with this section.
- K. Any product described in subsection A. found in the illegal possession of any person or entity may be confiscated and destroyed by the Municipality.
- L. This section does not apply to drugs or substances lawfully prescribed or drugs or substances approved by the Federal Food and Drug Administration or drugs or substances specifically permitted by state law.

(AO No. 2010-87(S), § 1, 12-7-10)

TITLE 8 - PENAL CODE, Chapter 8.35 DRUG ABUSE AND PARAPHERNALIA

8.35.110 Illegal synthetic compounds.

- A. It shall be unlawful for any person or entity to knowingly manufacture, assemble, distribute, dispense, sell, attempt to sell, give, trade, barter, transfer, or to otherwise furnish in a single transaction any product or combination of products containing:
1. Cathinone or substituted cathinones, including any compound, except bupropion or a compound listed in another schedule, structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways:
 - (a) Substitution in the ring system to any extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents), whether or not further substituted in the ring system by other substituents;
 - (b) Substitution at the 3-position with an alkyl substituent; or
 - (c) Substitution at the 2-amino nitrogen atom with alkyl or dialkyl groups, or inclusion of the 2-amino nitrogen atom in a cyclic structure.
 2. Compounds such as:
 - (a) 4-Methyl-N-methylcathinone (Also known as Mephedrone), its salts, optical isomers, and salts of optical isomers;
 - (b) 3,4-Dimethylmethcathinone (Also known as 3,4-DMMC), its salts, optical isomers, and salts of optical isomers;
 - (c) 3-Fluoromethcathinone (Also known as 3-FMC), its salts, optical isomers, and salts of optical isomers;
 - (d) 4-Fluoromethcathinone (Also known as Flephedrone), its salts, optical isomers, and salts of optical isomers;
 - (e) 3,4-Methylenedioxy-N-methylcathinone (Also known as Methylone);
 - (f) 3,4-Methylenedioxypyrovalerone (Also known as MDPV), its salts, optical isomers, and salts of optical isomers;
 - (g) alpha-Pyrrolidinopentiophenone (Also known as alpha-PVP);
 - (h) Naphthylpyrovalerone (Also known as Naphyrone);
 - (i) beta-Keto-N-methylbenzodioxolylpropylamine (Also known as Butylone);
 - (j) beta-Keto-N-methylbenzodioxolylpentanamine (Also known as Pentylone);
 - (k) beta-Keto-Ethylbenzodioxolylbutanamine (Also known as Eutylone); and
 - (l) 3,4-methylenedioxy-N-ethylcathinone (Also known as Ethylone);
 - (m) methcathinone, its salts, optical isomers, and salts of optical isomers;
 3. Benzodiazepines, including Phenazepam;
 4. Benzylpiperazine (BZP); or
 5. Any other derivatives, analogues, homologues, salts, isomers, or salts of isomers with substantially similar chemical structure and pharmacological activity as the substances described above.
- B. It shall be unlawful to knowingly manufacture, assemble, distribute, dispense, sell, attempt to sell, give, trade, barter, transfer, or to otherwise furnish in a single transaction any other equivalent compound, substance, or derivative, whether described as tobacco, herbs, incense, plant food, food, nutrient, dietary supplement, spice, bath salts or any blend thereof which is not regulated or

TITLE 8 - PENAL CODE, Chapter 8.35 DRUG ABUSE AND PARAPHERNALIA

approved for human consumption by the U.S. Food and Drug Administration, and when introduced into the body, induces the effects substantially similar to that of a controlled substance, regardless of whether the substance is marketed for the purpose of human consumption.

- C. It shall be unlawful for any person or entity to manufacture, assemble, distribute, sell, market, display for sale, or offer for sale within the municipality products containing the substances prohibited by subsections A. and B. It shall be unlawful to attempt the conduct prohibited by this subsection.
- D. It shall be unlawful to knowingly possess, attempt to possess, inject, ingest, insert rectally, burn, incinerate or ignite products containing substances prohibited by this section in the municipality. For purposes of this section, a person knowingly possesses such substances when the person knows the substance induces the effects described in this ordinance, regardless of whether the person knows whether the chemical compounds described in subsection A. are present in the product possessed.
- E. It shall be unlawful to possess, attempt to possess, inject, ingest, insert rectally, burn, incinerate or ignite products containing substances prohibited by this section in the municipality.
- F. A person or entity violating the provisions of subsections A., B., or D. shall be guilty of a misdemeanor and shall be punishable by a fine of not more than \$5,000.00 or imprisonment of not more than one year, or both.
- G. A person or entity violating the provisions of subsection C. shall be subject to a penalty not to exceed \$5,000.00 for each violation. For purposes of this subsection, each batch of a substance described in subsection A. or B., or each day the person or entity engaged in the prohibited conduct, shall constitute a separate violation.
- H. A person or entity violating the provisions of subsection E. shall be subject to a penalty not to exceed \$500.00 for each violation. For purposes of this subsection, each separately packaged amount of a substance described in subsections A. or B. shall constitute a separate violation.
- I. As an alternative to the remedies, procedures and penalties provided in this title and [section 1.45.010](#), a violation of subsection C. or E. 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](#)
- J. The criminal penalties and civil fines authorized by this section are not exclusive, and the municipality may seek any other remedies provided by law or equity, including injunctive relief, for repeated violations of this section.
- K. It is not an offense under this section if the person or entity was acting at the direction of an authorized agent of the municipality or other authorized law enforcement agency to enforce or ensure compliance with this section.
- L. Any product described in subsection A. or B. found by or that comes in the possession of a police officer or a municipal official may be confiscated as contraband and destroyed in accordance with [chapter 7.25](#) as such.
- M. This section does not apply to drugs or substances lawfully prescribed or drugs or substances approved by the federal Food and Drug Administration or drugs or substances otherwise specifically permitted by federal or state law.
- N. The use of the substances described in this section for bona fide research or educational purposes under lawful federal, state or local authority is exempt from the prohibitions of this section.

(AO No. 2011-106(S), § 1, 11-8-11)

Exhibit A – Code text being repealed

TITLE 8 - PENAL CODE, Chapter 8.35 DRUG ABUSE AND PARAPHERNALIA

FOOTNOTE(S):

--- (1) ---

Cross reference— Drug and alcohol testing for chauffeurs, § 11.10.085; suspension or revocation of chauffeur's license, § 11.10.110. [\(Back\)](#)

State Law reference— Controlled substances, AS 11.71, 17.30. [\(Back\)](#)

TITLE 8 - PENAL CODE, Chapter 8.40 FALSE ALARMS

Chapter 8.40 FALSE ALARMS [\[1\]](#)

[8.40.010 Definitions.](#)

[8.40.020 Prohibited acts.](#)

[8.40.030 Alarm registration.](#)

[8.40.040 False alarm charges.](#)

[8.40.050 Existing alarms.](#)

[8.40.060 Penalty.](#)

8.40.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm means any operable device except an official municipal fire alarm, but including, without limitation, automatic dialing devices which telephone a prerecorded message or transmit a signal or message to the police department and devices that produce an audible or visible signal which is intended to alert the police or some other person that a criminal act or other emergency exists and requires assistance. Devices commonly known as smoke alarms intended primarily for residential use and designed to emit a signal upon the detection of smoke, fumes or heat shall not be considered alarms for purposes of this chapter.

Chief of police means the chief of the municipal police department or his designee.

False alarm means an alarm signal that the chief of police determines is caused by a reason other than that condition which the alarm is designed or intended to detect or a natural phenomenon beyond the control of the owner.

Owner means a person who is responsible for the proper operation of an alarm under this chapter and who has registered with the chief of police pursuant to [section 8.40.030](#).

(AO No. 80-18; AO No. 98-59(S), § 1, 5-19-98)

Cross reference— Definitions and rules of construction generally, § 1.05.020.

8.40.020 Prohibited acts.

- A. No person shall knowingly cause, permit or allow a false alarm signal to be emitted from an alarm.
- B. No person shall knowingly own, install, connect, operate or possess an alarm except as provided in this chapter.
- C. No person shall knowingly own, operate, connect, install or possess an audible alarm unless that alarm automatically ceases to emit an audible sound after 15 minutes and does not repeat the audible sound thereafter.
- D. No person shall knowingly install, connect, own or possess an automatic direct dial alarm in such a fashion as to ring any telephone number at the police department other than those which the chief of police may designate for such use.

(AO No. 80-18; AO No. 98-59(S), § 1, 5-19-98)

TITLE 8 - PENAL CODE, Chapter 8.40 FALSE ALARMS

8.40.030 Alarm registration.

A person who owns or possesses an alarm shall register immediately certain information required by the chief of police, including, without limitation, the identity of the owner, the location of the alarm, and the name and telephone number of a responsible individual for that alarm. An owner is under a continuing obligation to keep the information on his registration current by reporting any change to the chief of police within ten days. The police department shall charge an annual fee of \$25.00 for registration. Alarms owned or possessed by the municipality or Anchorage School District are exempt from payment of fees, charges and penalties imposed by this chapter, but shall register.

(AO No. 80-18; AO No. 98-59(S), § 1, 5-19-98; AO No. 2010-81(S-1), § 1, 12-7-10, eff. 1-1-11; AO No. 2011-46, § 1, 4-12-11)

8.40.040 False alarm charges.

- A. Except as otherwise provided in this chapter, the owner of an alarm shall pay a charge in accordance with this section for each false alarm to which the police or fire department are dispatched:
1. First false alarm at each identifiable separate location: No charge.
 2. Each subsequent false alarm in excess of one:
 - a. *Fire department:* \$500.00
 - b. *Police department:*
 - i. Second and third response: \$125.00 each
 - ii. Each subsequent false alarm: \$25.00 more than the prior false alarm charge at the same identifiable location. A location previously charged under this section that has no false alarms in a consecutive 12-month period shall have the next false alarm charge beginning at the amount in subsection A.2.b.i. and increased thereafter in accordance with this subsection.
 3. A single identifiable location that has 12 false alarms in any consecutive 12-month period shall have its alarm registration automatically revoked by the chief of police, and the owner shall have the alarm disconnected, disabled or rendered inoperable. After such revocation, the alarm at that location cannot re-register until the owner presents proof to the chief of police the mechanical or personnel issues causing the frequent false alarms have been resolved. Immediately following the chief of police's approval, the owner shall re-register the alarm in accordance with [section 8.40.030](#) and pay the applicable annual fee regardless of whether an annual fee was paid within the previous 12 months.
- B. The municipality shall bill the owner for false alarms, and the owner shall pay those charges in the manner provided by the municipality. If an owner fails to pay charges assessed pursuant to this section, the municipality may seek payment by any lawful means.
- C. This section shall not apply to a false alarm occurring within 30 days immediately following installation of that alarm.
- D. All false alarms charges shall be deposited in the appropriate service area fund.

(AO No. 80-18; AO No. 98-59(S), § 1, 5-19-98; AO No. 99-157, § 1, 3-7-00; AO No. 2001-145(S-1), § 3, 12-11-01; AO No. 2010-81(S-1), § 2, 12-7-10, eff. 1-1-10; AO No. 2011-46, § 2, 4-12-11)

TITLE 8 - PENAL CODE, Chapter 8.40 FALSE ALARMS

8.40.050 Existing alarms.

Any person who presently owns, operates or possesses any alarm within the municipality which does not conform to the requirements of this chapter shall disconnect that alarm and render it inoperable or alter it in accordance with this chapter no later than June 18, 1980.

(AO No. 80-18; AO No. 98-59(S), § 1, 5-19-98)

8.40.060 Penalty.

- A. In addition to any other remedy or penalty provided by this chapter, a person who knowingly violates a provision of this chapter shall be subject to a civil penalty of not more than \$2,000.00 for each offense, or injunctive relief to restrain the person from continuing the violation or threat of the violation, or both such civil penalty and injunctive relief. Upon application by the municipality for injunctive relief and a finding that a person is violating or threatening to violate a provision of this chapter, the superior court shall grant injunctive relief to restrain the violation.
- B. Each day during which a violation described in this section occurs shall constitute a separate offense.
- C. As an alternative to the remedies, procedures and penalties provided in this section and [section 1.45.010](#), a violation of [section 8.40.020](#) may be charged as a civil violation, subject to and prosecuted in accordance with title 14 and shall be punishable by a civil penalty in accordance with [chapter 14.60](#)

(AO No. 80-18; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2011-46, § 3, 4-12-11)

FOOTNOTE(S):

--- (1) ---

Cross reference— Business licenses and regulations, tit. 10; building regulations, ch. 23.05. [\(Back\)](#)

State Law reference— Making a false report, AS 11.56.800. [\(Back\)](#)

TITLE 8 - PENAL CODE, Chapter 8.70 MISUSE AND ABUSE OF LIBRARY MATERIAL

Chapter 8.70 MISUSE AND ABUSE OF LIBRARY MATERIAL [\[1\]](#)

[8.70.010 Prohibited acts.](#)

[8.70.020 Penalties.](#)

[8.70.030 Library rules.](#)

[8.70.040 "Anchorage Library System" defined.](#)

8.70.010 Prohibited acts.

- A. No person may knowingly take or retain any property which is owned by or in the custody of the Anchorage Library System in violation of a rule promulgated by the municipal librarian pursuant to [section 8.70.030](#)
- B. No person may intentionally cut, tear, deface, break, injure, disfigure, damage, or destroy property which is owned by or in the custody of the Anchorage Library System.

(AO No. 83-121; AO No. 98-59(S), § 1, 5-19-98)

8.70.020 Penalties.

- A. A person who violates a provision of this chapter or any rule or regulation promulgated pursuant to [section 8.70.030](#) shall be guilty of a criminal violation and subject to a fine of not more than \$500.00 for each such violation. Each day that a violation of section 8.70.010A. continues constitutes a separate violation.
- B. 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](#)

(AO No. 83-121; AO No. 93-167(S-1), § 7, 4-13-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.70.030 Library rules.

The municipal librarian may promulgate reasonable rules pertaining to the use of property and facilities of the Anchorage Library System. No review by the assembly is required. Such rules shall be set forth in writing and made available for public review.

(AO No. 83-121-98)

8.70.040 "Anchorage Library System" defined.

As used in this chapter, the term "Anchorage library system" means each facility subject to the administrative authority of the municipal librarian.

(AO No. 83-121)

Exhibit A – Code text being repealed

TITLE 8 - PENAL CODE, Chapter 8.70 MISUSE AND ABUSE OF LIBRARY MATERIAL

FOOTNOTE(S):

--- (1) ---

Cross reference— Library advisory board, § 4.60.040. [\(Back\)](#)

State Law reference— Theft, AS 11.46.100 et seq. [\(Back\)](#)

TITLE 8 - PENAL CODE, Chapter 8.75 VIOLATIONS

Chapter 8.75 VIOLATIONS

[8.75.010 Sale or furnishing of alcoholic beverages to certain persons prohibited.](#)

[8.75.020 Consuming alcoholic beverage in public place.](#)

[8.75.030 Intoxicated persons on roadway.](#)

[8.75.040 Fireworks.](#)

[8.75.050 Littering; defacing building or other structure.](#)

[8.75.060 Minors: curfew.](#)

[8.75.065 Habitual truancy.](#)

[8.75.070 Sale of tobacco products.](#)

[8.75.080 Possession of tobacco products.](#)

[8.75.090 Sale of single cigarettes and other unpackaged or unlabeled tobacco products.](#)

[8.75.100 Restrictions on the manner of selling tobacco and tobacco products.](#)

[8.75.110 Minors prohibited on dating and escorting services' premises.](#)

[8.75.120 Public excretion.](#)

[8.75.130 Switchblade and gravity knives.](#)

[8.75.140 Unauthorized duplication of keys.](#)

[8.75.150 Remaining in gambling place.](#)

[8.75.160 Shoplifting under \\$5.00.](#)

[8.75.170 Prohibited panhandling.](#)

[8.75.180 Sitting or lying down on public sidewalks in downtown improvement district.](#)

8.75.010 Sale or furnishing of alcoholic beverages to certain persons prohibited.

- A. It is unlawful for any person to knowingly sell, furnish, give or deliver any alcoholic beverage to anyone who is visibly intoxicated or who is under the age of 21 years.
- B. The term "person" as used in this section does not include a parent as to the parent's own child, a guardian as to the guardian's ward, or a licensed physician or nurse in giving medical treatment.
- C. The burden shall at all times be upon a licensee and the licensee's employees to determine the age and sobriety of any patron. For purposes of this section, the term "licensee" means any person licensed under the law of the state to dispense or sell alcoholic beverages.
- D. Violation of this section shall, upon conviction, 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 18.05.110; AO No. 86-110; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 1, 4-22-03; AO No. 2009-82, § 1, 7-7-09)

TITLE 8 - PENAL CODE, Chapter 8.75 VIOLATIONS

State law reference— Authority to regulate, AS 4.21.010; furnishing alcoholic beverage to underage or intoxicated persons, AS 4.16.030, 4.16.051.

8.75.020 Consuming alcoholic beverage in public place.

- A. It is unlawful for any person to knowingly consume any alcoholic beverage when the person is:
 - 1. On, in or upon any public place, except as permitted by ordinance, regulation, statute or permit; or
 - 2. Outdoors on property adjacent to a public place, and without consent of the owner or person in control thereof.
- B. For purposes of this section, "public place" means a place to which the public or a substantial group of persons has access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, convention centers, sports arenas, schools, places of business or amusement, shopping centers, malls, parks, playgrounds, and hallways, lobbies, doorways and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.
- C. This section shall not apply where consumption is authorized by a state permit or license, or authorized by a municipal permit or lease.
- D. Violation of this section shall be punished by a fine of not more than \$100.00.
- 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 18.05.010.GG; AO No. 225-76; AO No. 98-59(S), § 1, 5-19-98; AO No. 2009-82, § 2, 7-7-09)

8.75.030 Intoxicated persons on roadway.

- A. It is unlawful for any person to be upon any public street, road, or highway while intoxicated in such a manner as to be hazardous to motor vehicle traffic.
- B. Violation of this section shall be punished by a fine of not more than \$500.00.
- C. 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 18.05.010.B; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

State law reference— Similar provisions, AS 47.37.250(3).

8.75.040 Fireworks.

- A. It is unlawful for any person to knowingly sell, possess, or use any explosive fireworks or stench bomb to which fuses are attached or which are capable of ignition by matches or percussion, without permission of that municipal official charged with issuing permits for such activities. This section does not apply to sale, possession, or use of highway or other warning flares, or ammunition for firearms, unless used for other than their intended purposes.

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- B. A municipal permit under this section or [section 15.70.070](#) is not required for possession or use of 1.4G fireworks, as defined by the National Fire Protection Association, subject to these limitations:
1. Subject to the prohibition against using fireworks in areas described in subsection B.3., fireworks shall only be used on private property by the private property owner.
 2. Fireworks in use or possession under this section shall be lawful "salable fireworks" as defined in AS 18.72.100, with proof of lawful purchase outside the Municipality of Anchorage.
 3. Fireworks shall not be discharged or used in restricted areas without a permit. The following are restricted areas:
 - a. Property zoned B-2A Central Business District Core;
 - b. Property zoned PLI Public Lands and Institutions District;
 - c. Within 500 feet of any commercial overnight visitor accommodation, health care or assisted living facility, library, school, or place of religious worship;
 - d. Within 500 feet of any automotive service station or other premises where flammable liquids or gases are:
 1. Stored in quantities in excess of 50 gallons for liquids or 100 pounds for gases; or
 2. Offered for sale to the public.
 - e. Within or from any structure or vehicle;
 - f. Any location designated a noise-sensitive zone under AMC [15.70.040](#)
 - g. Any location determined in writing by the municipality to pose a fire danger.
 - h. Any location within 200 feet of any dwelling not used as the living quarters of the person using fireworks. For purposes of this prohibition, dwelling shall mean any building used as the living quarters of one or more families.
 4. Reserved.
 5. Fireworks shall only be used beginning 9:30 p.m. Alaska Standard Time on December 31 and ending 1:00 a.m. Alaska Standard Time on January 1.
 6. For purposes of this section, *use* means the handling, ignition or operation of fireworks and, when considering area restrictions in subsection 3., includes the location where the firework comes to rest after ignition or operation.
- C. It is unlawful within the municipality for any person to advertise for sale any explosive fireworks or stench bomb to which fuses are attached or which are capable of ignition by matches or percussion without a specific declaration in the advertising stating: "it is unlawful for any person to sell fireworks within the Municipality of Anchorage. Possession or use of fireworks is regulated under AMC 8.75.040."
- D. Any person using fireworks shall clean up and lawfully dispose of the debris within 12 hours after use of the fireworks.
- E. Violation of this section shall be punished by a fine of not more than \$500.00.
- F. 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 18.05.010.Y; AO No. 97-90, § 1, 7-1-97; AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-145(S-1), § 4, 12-11-01; AO No. 2003-73, § 3, 4-22-03; AO No. 2010-86(S), § 1, 12-7-10; AO No. 2011-117, § 1, 12-13-11; AO No. 2011-121, § 1, 12-13-11)

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Editor's note—

Section 2 of AO No. 2011-121, adopted December 13, 2011 states this ordinance is subject to the same sunset date of December 7, 2012, as provided for under AO 2010-86(S).

State law reference— Similar provisions, AS 18.72.060.

8.75.050 Littering; defacing building or other structure.

- A. It is unlawful for any person to knowingly:
 - 1. Litter in or on any property not his own on which he is not an invitee or licensee, or on any public building, park, recreation area, parking lot, street, or highway; or
 - 2. Mar or deface private or public property, including parks and recreation areas, without permission.
- B. In addition to all other fines and penalties provided for in subsection G. of this section, persons violating this section shall remove or cause the removal of the litter and restore the property defaced at their sole expense and at the direction and under the supervision of the property owner.
- C. If the person violating this section fails to remove the litter or restore the property as the case may be, the owner thereof may cause the same to be accomplished and charge the person responsible for doing so for the reasonable expense incurred and recover such expenses by civil action.
- D. Any act in violation of this section committed by a minor under the age of 18 years who is not a runaway, as that term is defined by AS 47.10.390, when the violation occurred, shall be imputed to that minor's parent or legal guardian who shall be liable for payment of the fine and expense of restoration.
- E. Subject to AS 47.10, persons under the age of 18 years, shall be subject to the provisions of this section, provided however, that in the event any such provision conflicts with or cannot be effected under the provisions of AS 47.10, the latter shall prevail and the person, court or agency having jurisdiction over such minor shall, whenever consistent with AS 47.10, apply the penalties, fines, repair and restoration provisions hereof as a part of its final disposition or as a condition of pre-trial/hearing diversion. Subject to the discretion of the court, agency or official having jurisdiction, the parent or legal guardian of a person under the age of 18 years violating this section shall accompany the minor to some or all of the minor's community service and repair, removal or restoration work.
- F. Nothing contained in this section shall in any way limit, abridge or deny the authority or discretion of any court under AS title 12 or any agency or official under AS [title 47](#) and such court, agency or official may vary the sentence or other disposition imposed pursuant to such authority or jurisdiction for a violation of this section.
- G. Violation of this section shall be punished by a fine of not more than \$75.00.
- H. 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 18.05.010.Z; CAC 8.30.030; AO No. 94-221(S), § 1, 3-23-95; AO No. 98-59(S), § 1, 5-19-98)

State law reference— Litter, AS 11.46.486, 46.06.080.

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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:

1. 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:

1. 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 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.

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B. *Offenses.*

1. 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. 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. Involved in an emergency;
 - c. Engaged in an employment activity, or going to or returning from an employment activity, without detour or stop;
 - d. 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. Attending, or going to or from any lawful activity with the consent of the minor's parent or guardian;
 - f. 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. 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 \$500.00.

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; AO No. 2001-74(S), § 1, 4-17-01; AO No. 2003-73, § 3, 4-22-03)

8.75.065 Habitual truancy.

A. *Definitions.* In this section:

1. *"Habitual truant"* means a youth who is subject to compulsory full-time education under Alaska Statute 14.30.010 and who has accumulated unexcused absences during a school semester to the extent that the youth has been determined by the Anchorage School District to be a habitual truant for that semester pursuant to its attendance policy.
2. *"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 exist; 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.

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3. *"Youth"* means a child between seven and 16 years of age, which are the ages that school attendance is compulsory according to Alaska Statute 14.30.010.
- B. *Offenses.*
1. A youth who is subject to compulsory full-time education under Alaska Statute 14.30.010 and does not fit within an exception set out in Alaska Statute 14.30.010(b) commits an offense if he or she knowingly fails or refuses to attend school, resulting in the accumulation of unexcused absences during a school semester to the extent that the youth has been determined by the Anchorage School District to be a habitual truant for that semester pursuant to its attendance policy, and has been given notice of such determination.
 2. A parent, guardian, or other person having the responsibility for or control of a youth who is subject to compulsory full-time education under Alaska Statute 14.30.010 and does not fit within an exception set out in Alaska Statute 14.30.010(b) commits an offense if he or she knowingly fails or refuses to ensure that the youth attends school, resulting in the accumulation of unexcused absences during a school semester to the extent that the youth has been determined by the Anchorage School District to be a habitual truant for that semester pursuant to its attendance policy, and has been given notice of such determination.
 3. Notice of the determination that a youth is a habitual truant shall be given either by personal delivery to the person to be notified or by certified mail, with return receipt requested and restricted delivery, addressed to the person at his or her address as shown in the records of the Anchorage School District. The giving of notice by mail is considered complete upon the return of the receipt or upon return of the notice as undeliverable, refused, or unclaimed. Proof of the giving of notice in either manner may be made by the affidavit of the person giving the notice by personal delivery or by mail, naming the person to whom the notice was given and specifying the time, place, and manner of giving the notice.
- C. *Option of satisfaction of fine by maintenance of perfect attendance or community restitution.* Notwithstanding any other provision of law, a youth or other person upon whom a fine for violation of this section has been imposed may elect to satisfy such fine by presenting evidence satisfactory to the administrative hearing officer that the youth has had no additional unexcused absences as determined by the Anchorage School District after the date of the citation for the remainder of the semester during which the youth was determined to be a habitual truant. Notwithstanding any other provision of law, a youth or other person upon whom a fine has been imposed for violation of this section may elect to satisfy such fine by presenting evidence satisfactory to the administrative hearing officer that the person upon whom the fine has been imposed has performed a specified amount of community restitution during a period of performance specified by the administrative hearing officer.
- D. *Ordinance review.* Within one year after implementation, and annually thereafter, the mayor, in conjunction with the Anchorage School District Superintendent and Anchorage Police Chief, shall review the Ordinance and make a report to the assembly, Anchorage School Board, Parent-Teachers Association, Anchorage Youth Commission, and Anchorage Public Safety Commission concerning the effectiveness of and continuing need for the ordinance. The report shall include, but not be limited to, the following information:
1. The practicality of enforcing the ordinance and any problems with enforcement.
 2. The impact of the ordinance on truancy and school attendance;
 3. The number of habitual truancy referrals made by the Anchorage School District to the Anchorage Police Department;
 4. The number of citations issued;
 5. The municipality's net cost of enforcing the ordinance; and
 6. The need to expand the ages covered by the ordinance.

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(AO No. 96-96(S-3), § 1, 2-1-97; AO No. 98-59(S), § 1, 5-19-98)

8.75.070 Sale of tobacco products.

- A. It is unlawful for any person 19 years of age or older to negligently sell, exchange or give cigarettes, cigars or tobacco in any form to any person under 19 years of age.
- B. Violation of this section shall be punished by a fine of not more than \$500.00.
- C. 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 18.05.010.X; AO No. 95-178, § 1, 9-26-95; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

State law reference— Similar provisions, AS 11.76.100.

8.75.080 Possession of tobacco products.

- A. A person under 19 years of age may not knowingly possess a cigarette, a cigar, tobacco, or any product containing tobacco.
- B. Violation of this section shall be punished by a fine of not more than \$500.00.
- C. 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](#)

(AO No. 95-178, § 2, 9-26-95; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.75.090 Sale of single cigarettes and other unpackaged or unlabeled tobacco products.

- A. It is unlawful for any person doing business within the municipality to knowingly sell, offer to sell, or distribute any cigarette or tobacco product except in a sealed package properly labeled with the health warning label and other labels or stamps required by federal law (15 USC 1331 et seq., 26 USC 5751(a)(3)) and regulations.
- B. Violation of this section shall be punished by a fine of not more than \$500.00.

(AO No. 95-181, § 1, 9-26-95; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.75.100 Restrictions on the manner of selling tobacco and tobacco products.

- A. Definitions.
 - 1. "Retail adults-only tobacco store" means any retail establishment which:
 - a. Primarily sells tobacco and tobacco products while only incidentally offering other products;
 - b. Prohibits any person under the age of 19 from entering such retail establishment unless such person under 19 years of age is accompanied by a parent or legal guardian;

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- c. Has not been the site of two or more citations for a violation of this section in the previous 180 days unless all or all but one of such citations are overturned on appeal; and
 - d. Posts one or more signs described in the next sentence visible from any entrance to such retail establishment.
 - i. Each of the sign(s) referenced in subsection A.1.d. of this section shall be at least six inches by 18 inches; must state that it is a retail adults-only tobacco store; must read, in lettering at least 1.25 inches high, "The sale of tobacco products to persons under age 19 is illegal"; and must state that no person under 19 years of age may enter the retail establishment unless such person under 19 years of age is accompanied by such person's parent or legal guardian.
- B. Except for a retail adults-only tobacco store, it is unlawful for a person negligently to sell cigarettes, cigars, tobacco, or a product containing tobacco in any manner that allows any person but the sales clerk to control access to the cigarettes, cigars, tobacco, or product containing tobacco prior to sale.
 - 1. Subsection B. of this section does not apply to wholesale transactions in which the person selling the cigarettes, cigars, tobacco, or products containing tobacco is licensed as a manufacturer or distributor under AS 43.50.010.
 - 2. Subsection B. of this section does not apply to sales by vending machines which are located:
 - a. As far as practical from any entrance on the inside of the licensed premises of a valid, existing beverage dispensary license, a club license, or a package store license issued under Alaska Statutes 4.11.090, 4.11.110, and 4.11.150 respectively; and
 - b. The location described in subsection B.2.a. of this section is directly and continually supervised by a person employed on the licensed premises when the vending machine is accessible to the public.
- C. Any owner of a retail adults-only tobacco store or agent or employee of such owner that allows any person but the sales clerk to have access to the cigarettes, cigars, tobacco, or product containing tobacco prior to sale shall not negligently allow any person under the age of 19 to enter or remain in the premises of the retail adults-only tobacco store unless such person under 19 years of age is accompanied by a parent or legal guardian.
- D. Not later than seven days after the date of the citation, the chief of police or his or her designee shall notify the owner of record of any retail establishment of a citation under this section given to any owner or agent or employee of such owner for a violation alleged to have occurred at such retail establishment.
- E. Reserved.
- F. Violation of this section shall be punished by a fine of not more than \$500.00.
- G. 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](#)

(AO No. 97-133(S), § 1, 11-11-97; AO 98-27(S-1), §1, 3-3-98; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.75.110 Minors prohibited on dating and escorting services' premises.

- A. In a business establishment that arranges dates or escorts for clients it is unlawful for minors to knowingly be on the premises. Legible signs shall be posted on the premises stating that no minors are allowed.

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- B. Violation of this section shall be punished by a fine of not more than \$500.00.
- C. 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](#)
(AO No. 87-119; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.75.120 Public excretion.

- A. It is unlawful for any person to knowingly urinate or defecate in or on any public street, road, highway, alley, sidewalk, park or other public place open to public view which is not a lavatory facility.
- B. Violation of this section shall be punished by a fine of not more than \$150.00.
- C. 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](#)
(AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-145(S-1), § 4, 12-11-01)

8.75.130 Switchblade and gravity knives.

- A. It is unlawful for a person to knowingly sell, offer for sale, display or carry about his person, a knife which has a blade which can be opened by a spring mechanism, by exertion of pressure on the handle, or by gravity. This section does not apply to any officer of the United States, the state or the municipality whose carrying or displaying of such a knife is necessary in the course of his official duties.
- B. Violation of this section shall be punished by a fine of not more than \$150.00.
- C. 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](#)
(CAC 8.50.010; AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-145(S-1), § 4, 12-11-01)

State law reference— Switchblade or gravity knives, AS 11.61.200(a)(3).

8.75.140 Unauthorized duplication of keys.

- A. It is unlawful for any person to knowingly make a duplicate of a key bearing the inscription "do not duplicate" or "it is unlawful to duplicate this key," unless authorized to do so by the owner of the lock which the key fits.
- B. Violation of this section shall be punished by a fine of not more than \$75.00.
- C. 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](#)
(CAC 8.32.010; AO No. 98-59(S), § 1, 5-19-98)

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8.75.150 Remaining in gambling place.

- A. It is unlawful for any person to enter, attend, remain in or reside in a place, building, structure, vehicle or mobile home with the intent, aim or purpose of engaging in, promoting, facilitating or encouraging the practice of gambling and with knowledge that such place, building, structure, vehicle or mobile home is being used for the purpose of gambling.
- B. Violation of this section shall be punished by a fine of not more than \$500.00.
- C. 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](#)

(CAC 8.16.050; AO No. 89-52; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.75.160 Shoplifting under \$5.00.

- A. *Removal of merchandise.* It is unlawful for any person to take or remove any merchandise or thing valued at less than \$5.00 from the premises where such merchandise or thing of value is kept for purposes of sale, barter or storage without the consent of the owner or person lawfully entitled to its possession.
- B. *Concealment of merchandise.* It is unlawful for any person, without authority, willfully to conceal upon or about his person any merchandise or thing valued at less than \$5.00 upon the premises where such merchandise or thing of value is kept for the purposes of sale, barter or storage. Any merchandise or thing of value found concealed upon or about the person and which has not theretofore been purchased by the person is prima facie evidence of willful concealment.
- C. This section shall not apply if the merchandise or thing of value is an alcoholic beverage, in which case the penalties provided for under [section 8.15.010](#) B. shall apply.
- D. "Consent" defined. As used in this section, the term "consent" shall mean express consent, or consent implied by possession of a sales ticket, slip or receipt issued for and accompanied by the article of merchandise or thing of value.
- 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 18.05.040; AO No. 89-52; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2009-61, § 2, 7-7-09)

State law reference— Civil liability for shoplifting, AS 9.68.110; concealment of merchandise, AS 11.46.220.

8.75.170 Prohibited panhandling.

- A. As used in this section, *panhandling* means any solicitation made in person upon any street, public place or park in the city, in which a person requests an immediate donation of money or other gratuity from another person, and includes but is not limited to seeking donations:
 - 1. By vocal appeal or for music, singing, or other street performance; and

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2. Where the person being solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.

However, panhandling shall not include the act of passively standing or sitting nor performing music, singing or other street performance with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

B. It is unlawful to engage in an act of panhandling:

1. After sunset and before sunrise.
2. When either the panhandler or the person being solicited is located at any of the following locations:
 - a. At a bus stop;
 - b. In any public transportation vehicle or public transportation facility;
 - c. In a vehicle which is parked or stopped on a public street or alley;
 - d. In a sidewalk café; or
 - e. Within 20 feet in any direction from an automatic teller machine or entrance to a bank.
3. In the Downtown Improvement District, defined as the area bounded by 1st Avenue on the North, Gambell Street on the East, 9th Avenue on the South, and L Street on the West.

C. It shall be unlawful to engage in an act of panhandling in an aggressive manner as set forth in 1. through 6. of this subsection:

1. Touching the solicited person without the solicited person's consent;
2. Panhandling a person while such person is standing in line and waiting to be admitted to a commercial or public establishment;
3. Blocking the path of a person being solicited, or the entrance to any building or vehicle;
4. Persisting in closely following or approaching a person, after the person solicited has informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor;
5. Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or coerced to make a donation; or
6. Panhandling in a group of two or more persons.

D. Penalty. A fine of no more than \$300.00 shall be imposed for any act of panhandling prohibited by subsection B. Violations of subsection C. shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than 90 days, or both such fine and imprisonment.

1. As an alternative to the remedies, procedures and penalties provided in this section and [section 1.45.010](#), a violation of subsection B. 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](#). This alternative is not available for violations of subsection C.
2. A defendant may offset fines imposed for a violation of subsection B. by voluntary participation in an approved community service program, alcohol, drug or other appropriate rehabilitation program, or job training program, if any such programs are available.
3. A court imposing fines for a violation of subsection C. may order the defendant to complete an approved community service program; alcohol, drug or other appropriate rehabilitation program; or job training program, if any such programs are available.

TITLE 8 - PENAL CODE, Chapter 8.75 VIOLATIONS

4. For each hour of community service completed, the court or administrative hearing officer shall offset the fine by an amount equal to the current minimum wage required by the Alaska Wage and Hour Act, AS 23.10.
5. Upon presenting proof of completion of an alcohol, drug, or other appropriate rehabilitation program to the court or administrative hearing officer, any fees paid toward rehabilitation treatment shall offset any fines imposed.

(AO No. 2004-109, § 1, 8-17-04; AO No. 2011-112, § 3, 11-22-11, eff. 12-22-11)

8.75.180 Sitting or lying down on public sidewalks in downtown improvement district.

- A. *Prohibition.* No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, in the Downtown Improvement District, defined as the area bounded by 1st Avenue on the North, Gambell Street on the East, 9th Avenue on the South, and L Street on the West, during the hours between
 1. 6:00 a.m. and 11:59 p.m. on Monday, Tuesday, Wednesday or Thursday; or
 2. 6:00 a.m. Friday through 2:30 a.m. Saturday; or
 3. 6:00 a.m. Saturday through 2:30 a.m. Sunday.
- B. *Exceptions.* The prohibition in subsection A. shall not apply to any person:
 1. Sitting or lying down on a public sidewalk due to a medical emergency;
 2. Who, as the result of a disability, utilizes a wheelchair, walker, or similar device to move about;
 3. Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a sidewalk encroachment permit under [section 24.30.020](#); or a person participating in or attending a parade, festival, performance, race, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a right-of-way special activity permit under regulation [section 9.14.004](#) or a parade permit under regulation [chapter 9.36](#)
 4. Sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner;
 5. Sitting on a public sidewalk within a passenger loading zone while waiting for public or private transportation; or
 6. Waiting in line to purchase, receive or deliver an item or gain access to an adjacent property, such as waiting to purchase an item from a street vendor, or tickets at a ticket window, or waiting for an establishment to open to receive or deliver goods or services, so long as the person is as far from the traveled roadway as practicable.

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by [section 8.30.125](#), pedestrian interference, or any conduct otherwise prohibited by this Code.

- C. No person shall be charged under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.
- D. Violation of this section shall be punished by a fine of not more than \$100.00.
- 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](#)

(AO No. 2011-112, § 1, 11-22-11, eff. 12-22-11)

TITLE 8 - PENAL CODE, Chapter 8.90 SALE OF METHAMPHETAMINE PRECURSOR DRUGS

Chapter 8.90 SALE OF METHAMPHETAMINE PRECURSOR DRUGS

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8.90.010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. *Methamphetamine precursor drugs* means a drug or product containing as its sole active ingredient ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, not including any compounds, mixtures, or preparations that are in liquid, liquid capsule, or gel capsule form, and in which pseudoephedrine is not the only active ingredient.
- B. *Over-the-counter sale* means a retail sale of a drug or product, but does not include the sale of a drug or product pursuant to the terms of a valid prescription.
- C. *Retailer* means any person, corporation, partnership or other business entity conducting business within the Municipality of Anchorage who sells or furnishes any over-the-counter drug product containing methamphetamine precursor drugs to any person who is the ultimate user or consumer of the product.

(AO No. 2005-98(S), § 1, 1-1-06)

8.90.020 Prohibited acts.

It shall be unlawful within the Municipality of Anchorage for any retailer or employee to knowingly to sell, transfer, or to otherwise furnish in a single transaction any product or combination of products containing more than nine grams of methamphetamine precursor drugs, except as provided in [section 8.90.040.](#)

(AO No. 2005-98(S), § 1, 1-1-06)

8.90.030 Accessibility of methamphetamine precursor drugs.

A business establishment that offers over-the-counter sales of methamphetamine precursor drugs shall make reasonable efforts to deter the theft or improper sale of products used in the illicit manufacture of methamphetamine by providing personnel training and by ensuring that all packages of the drugs are displayed and offered for sale only:

- A. behind a checkout counter where the public is not permitted; or
- B. inside a locked display case.

(AO No. 2005-98(S), § 1, 1-1-06)

TITLE 8 - PENAL CODE, Chapter 8.90 SALE OF METHAMPHETAMINE PRECURSOR DRUGS

8.90.040 Registration of purchases for resale.

- A. Any retailer that sells or delivers to a person for the purpose of resale through another licensed retailer any product containing methamphetamine precursor drugs as the sole active ingredient shall require such person to show proper identification and to sign a register for a purchase of more than nine grams of such products.
- B. The register described in this section shall be created by any retailer that sells a product or products described in this section and shall require the following information:
 - 1. The name and specific quantity of methamphetamine precursor drugs purchased;
 - 2. The signature of the purchaser;
 - 3. The retail business name and mailing address of the purchaser, other than a post office box number;
 - 4. The number of the purchaser's motor vehicle operator's license or other legal identification at the time of purchase;
 - 5. The date of such purchase; and
 - 6. The signature of an employee of the retail establishment as witness to the purchase and identification of the purchaser.
- C. As used in this section, "legal identification" means a valid motor vehicle operator's license or other official and valid identification of the purchaser issued by a governmental agency that contains a photograph of the purchaser.
- D. Upon written request of any law enforcement agency, any retailer shall report electronically or by mail the information collected in B. of this section for the six-month period preceding the written request.
- E. The register required to be maintained in this section and the information entered thereon is confidential. The retailer may not allow access to the register or release information contained therein except to a law enforcement agency or the Anchorage Police Department.

(AO No. 2005-98(S), § 1, 1-1-06)

8.90.050 Violations; penalties.

- A. Violation of any provision of this section, upon conviction, shall be punished by a fine of not more than \$5,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 2005-98(S), § 1, 1-1-06)

TITLE 10 - BUSINESS LICENSES AND REGULATIONS

Chapter 10.55 TEEN NIGHTCLUBS AND CULTURAL PERFORMANCE VENUES

10.55.105 Criminal penalties and prosecution.

It is unlawful for any person intentionally to operate a teen nightclub or cultural performance venue as defined in this chapter without a required permit. Violation of this section shall, upon conviction, be punished by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

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

TITLE 16 - HEALTH, Chapter 16.55 CHILD CARE AND EDUCATIONAL FACILITIES

16.55.090 Penalty.

A person who violates a provision of this chapter is guilty of a class B misdemeanor.

(AO No. 2004-113(S), § 2, 9-8-04)

TITLE 16 - HEALTH, Chapter 16.95 EMERGENCY MEDICAL SERVICE

16.95.030 Impersonating paramedic or emergency medical technician.

- A. No person may impersonate, hold himself to other persons as or refer to himself as an emergency paramedic, paramedic or mobile intensive care paramedic unless he is certified as a mobile intensive care paramedic under the terms of this chapter.
- B. No person may impersonate, hold himself to other persons as or refer to himself as an emergency medical technician or EMT unless he is certified as an emergency medical technician under the terms of this chapter.
- C. Any person who willfully violates the provisions of this chapter shall be guilty of a misdemeanor, and, upon conviction, is punishable by a fine of not less than \$100.00 and not more than \$500.00 for each offense.

(AO No. 77-348A)