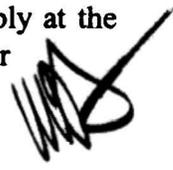


Submitted by: Chair of the Assembly at the Request of the Mayor
Prepared by: Department of Law
For reading: MARCH 27, 2001



ANCHORAGE, ALASKA
AO No. 2001- 74

1 AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE CURFEW LAW IN
2 ANCHORAGE MUNICIPAL CODE SECTION 8.75.060 AND OTHER RELATED SECTIONS OF THE
3 CODE PERTAINING TO CURFEW.
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6 Section 1. Anchorage Municipal Code section is hereby amended to read as follows:
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8 **8.75.060** Minors: curfew.

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

12 *Curfew hours* means

- 13 September through May:
 - 14 a 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday
 - 15 until 5:00 a.m. of the following day; and
 - 16 b. 1:00 a.m. on any Saturday and Sunday until 5:00 a.m. of the same day.
- 17 2. June through August: 1:00 a.m. on any day until 5:00 a.m. of the same day.

18 *Emergency* means an unforeseen combination of circumstances or the resulting state that
19 calls for immediate action. The term includes, but is not limited to, a fire, natural disaster,
20 automobile accident, or any situation requiring immediate action to prevent serious bodily
21 injury or loss of life.

22 *Establishment* means any privately-owned place of business operated for a profit to which
23 the public is invited, including but not limited to any place of amusement or entertainment.

24 *Guardian* means:

- 25 A person who, under court order, is the guardian of the minor; or
- 26 2 A public or private agency with whom a minor has been placed by a court.

27 *Knowingly* means, with respect to conduct or to a circumstance described by a provision of
28 law defining an offense, that a person is aware that his or her conduct is of that nature or that
29 the circumstance exists; when knowledge of the existence of a particular fact is an element
30 of an offense, that knowledge is established if a person is aware of a substantial probability
31 of its existence, unless the person actually believes it does not exist.

Minor means any person under the age of 17 [18] years.

Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent means a person who is:

- A natural parent, adoptive parent, or step-parent of another person; or
2. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public place means any place to which the public or a substantial group of the public has access, and includes but is not limited to streets, highways, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain means to:

- 1 Linger or stay; or
2. Fail to leave the premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

B. *Offenses.*

A minor commits an offense if he or she, without the consent of his or her parental or guardian, remains in any public place or on the premises of any establishment within the municipality during curfew hours.

[2 A PARENT OR GUARDIAN OF A MINOR COMMITS AN OFFENSE IF HE OR SHE KNOWINGLY PERMITS, OR BY INSUFFICIENT CONTROL ALLOWS, THE MINOR TO REMAIN IN ANY PUBLIC PLACE OR ON THE PREMISES OF ANY ESTABLISHMENT WITHIN THE MUNICIPALITY DURING CURFEW HOURS IN VIOLATION OF THIS SECTION.]

[A. INDIFFERENCE AS TO THE ACTIVITIES OR WHEREABOUTS OF THE MINOR SHALL BE PRIMA FACIE EVIDENCE OF INSUFFICIENT CONTROL.]

2.[3.] The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours without the consent of the minor's parent or guardian.

1 C. *Exceptions.*

2 1 It is an exception to prosecution under subsections B.1. and B.2. of this section
3 if the minor was:

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

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

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

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

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

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

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

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

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

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

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

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(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)

Section 2. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2001.

Chair of the Assembly

ATTEST:

Municipal Clerk

