

**CS FOR HOUSE BILL NO. 474(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/26/96

Referred: Rules

Sponsor(s): REPRESENTATIVES TOOHEY, Kelly

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to violations of municipal ordinances and regulations, and to  
2 civil penalties for violation of municipal ordinances by juveniles."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 29.10.200 is amended by adding a new paragraph to read:

5 (54) AS 29.25.070(e) (notice of ordinance enforcement against a  
6 minor).

7 \* **Sec. 2.** AS 29.25.070(b) is amended to read:

8 (b) The municipality or an aggrieved person may institute a civil action against  
9 a person who violates an ordinance, **including a minor as provided in AS 47.10.145.**

10 In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000  
11 may be imposed for each violation. An action to enjoin a violation may be brought  
12 notwithstanding the availability of any other remedy. On application for injunctive  
13 relief and a finding of a violation or a threatened violation, the superior court shall  
14 grant the injunction. Each day that a violation of an ordinance continues constitutes

1 a separate violation.

2 \* **Sec. 3.** AS 29.25.070 is amended by adding new subsections to read:

3 (e) The municipality shall provide written notice to the commissioner of health  
4 and social services or to the commissioner's designee of the commencement of a civil  
5 enforcement action for the violation of an ordinance under (b) of this section against  
6 a minor. Unless the commissioner and the municipality negotiate an agreement  
7 making other arrangements to satisfy the obligation imposed on the municipality by  
8 this subsection, the municipality may provide notice by mailing a copy of the citation  
9 or other document setting out the notice of the commencement of the civil enforcement  
10 action. This subsection applies to home rule and general law municipalities.

11 (f) In this section, "minor" means a person under 18 years of age.

12 \* **Sec. 4.** AS 47.10 is amended by adding a new section to read:

13 Sec. 47.10.145. CIVIL PENALTIES FOR VIOLATION OF MUNICIPAL  
14 ORDINANCES. (a) Except as otherwise provided in this section, the enforcement of  
15 a civil penalty under AS 29.25.070(b) against a minor for violation of a municipal  
16 ordinance shall be heard in the district court in the same manner as for similar  
17 allegations brought against an adult, except that the minor's parent, guardian, or legal  
18 custodian shall be present at all proceedings.

19 (b) Allegations against a minor for a civil penalty under a municipal ordinance  
20 may be assigned to a hearing officer for resolution, if provided for by municipal  
21 ordinance.

22 (c) An action for a civil penalty filed against a minor under this section does  
23 not give rise to the right to a trial by jury or to counsel appointed at public expense.