

SENATE CS FOR CS FOR HOUSE BILL NO. 474(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 4/17/96

Referred: Judiciary

Sponsor(s): REPRESENTATIVES TOOHEY, Kelly

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to civil violations of municipal ordinances, and to civil
2 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 that the commissioner of health and social services and the municipality agree
7 will be reported. Unless the commissioner and the municipality negotiate an
8 agreement making other arrangements to satisfy the obligation imposed on the
9 municipality by this subsection, the municipality may provide notice by mailing a copy
10 of the citation or other document setting out the notice of the commencement of the
11 civil enforcement action. This subsection applies to home rule and general law
12 municipalities.

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

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

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

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

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