

Title 13

PUBLIC PEACE, MORALS AND WELFARE

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Chapter 13.04

OFFENSES BY OR AGAINST PUBLIC
OFFICERS AND GOVERNMENT

Sections:

- 13.04.010 Interference with Borough Officers.
- 13.04.020 Falsely Assuming to be an Officer.
- 13.04.030 Resisting Arrest.
- 13.04.040 Injury to Fire Apparatus.
- 13.04.050 False Alarms.

13.04.010 Interference with Borough Officers. It is unlawful for any person to interfere with or hinder any policeman, fireman, officer or Borough official in the discharge of his duty.

13.04.020 Falsely Assuming to be an Officer. It is unlawful for any person to falsely assume to be a judge, magistrate or peace officer and take upon himself to act as such, or require anyone to aid or assist him in any manner.

13.04.030 Resisting Arrest. It is unlawful for any person to attempt to escape or forcibly resist when arrest is being made by an officer after information of the intention to make the arrest.

13.04.040 Injury to Fire Apparatus. It is unlawful for any person to willfully destroy or injury any engine, hose carriage, hose, hook and ladder carriage or other thing used and kept for extinguishment of fires.

13.04.050 False Alarms. It is unlawful for any person to give or cause to be given any false alarm of a fire by setting fire to any combustible material, by crying or sounding an alarm, or by any other means, without cause.

Chapter 13.08

OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

Sections:

13.08.010 Sale of Food.

13.08.020 Discharge of Firearms in the Borough.

13.08.010 Sale of Food. It is unlawful for any person to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food, or to sell or offer for sale the flesh of any animal that was diseased.

13.08.020 Discharge of Firearms in the Borough. It shall be unlawful for any person to discharge any firearm, pellet or B.B. gun in the City and Borough of Yakutat in a dangerous or harmful manner.

Chapter 13.12

(repealed)

Chapter 13.14

OFFENSES AGAINST PUBLIC PEACE

Sections:

- 13.14.010 Disorderly Conduct; Disturbance of Peace.
- 13.14.020 Trespass.
- 13.14.030 Unlawful Assembly.
- 13.14.040 Riot.
- 13.14.050 Possession of Illegal Substance.

13.14.010 Disorderly Conduct; Disturbance of Peace.

A. A person commits the crime of disorderly conduct if:

1. With intent to disturb the peace and privacy of another not physically on the same premises or with reckless disregard that his conduct is having that effect after being informed that it is having that effect, he makes unreasonably loud noise;
2. In a public place or in a private place of another without consent, and with intent to disturb the peace and privacy of another or with reckless disregard that his conduct is having that effect after being informed that it is having that effect, he makes unreasonably loud noise;
3. In a public place, when a crime has occurred, he refuses to comply with a lawful order of a peace officer to disperse;
4. In a private place, he refuses to comply with an order of a peace officer to leave premises in which he has neither a right of possession nor the express invitation to remain of a person having a right of possession;
5. In a public or private place, he challenges another to fight or engages in fighting other than in self-defense; or
6. He recklessly creates a hazardous condition for others by an act which has no legal justification or excuse.

B. As used in this section, "noise" is "unreasonably loud" if, considering the nature and purpose of the defendant's conduct and the circumstances known to him, including the nature of the location and the time of day or night, his conduct involves a gross deviation from the standard of conduct that a reasonable person would follow in the same situation. "Noise" does not include speech which is constitutionally protected.

13.14.020 Trespass. It shall be unlawful for any person or persons to trespass on land or other realty owned or occupied by

another or to fail to depart therefrom upon the request of the owner or occupier.

13.14.030 Unlawful Assembly. It is unlawful for five or more persons, with common intent of the persons assembled to obtain a purpose in an unlawful manner which breaches the public peace, to assemble together to do an unlawful act, or, when together, with common intent, attempt to do an act, whether lawful or unlawful, in an unlawful, violent or tumultuous manner to the disturbance of others.

13.14.040 Riot. When five or more persons together and in a violent or tumultuous manner commit an unlawful act or together do a lawful act in an unlawful, violent or tumultuous manner, to the disturbance of others and with the intent mutually to assist against lawful authority, they are guilty of a riot.

13.14.050 Possession of Illegal Substance.

A. It shall be unlawful for any person to possess, sell, or distribute a dangerous, harmful or detrimental substance, in any amount, on a public street or sidewalk, or on the premises of a public carrier or business establishment or in any other public place in the City and Borough of Yakutat.

B. Dangerous, harmful or detrimental substances shall be those listed and specified in schedules IA, IIA, IIIA, IVA, VA, and VIA (AS 11.71.140 through 11.71.190).

C. A violation of this section shall carry a fine of up to \$300.

Chapter 13.16

OFFENSES AGAINST PROPERTY

Sections:

13.16.010 Removal of Hydrant Caps, Sewer Caps
or Manhole Covers.

13.16.020 Injury to Borough Books or Property.

13.16.030 Expectorating.

13.16.040 Injury to Roads or Utilities.

13.16.050 High Explosives.

13.16.010 Removal of Hydrant Caps, Sewer Caps or Manhole Covers. It is unlawful for any person to remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

13.16.020 Injury to Borough Books or Property. It is unlawful for any person to willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the Borough.

13.16.030 Expectorating. It is unlawful for any person to expectorate within any food establishment, restaurant, hotel, motel, motor inn, cocktail lounge or tavern.

13.16.040 Injury to Roads or Utilities. It is unlawful for any person to willfully obstruct or injure any public road or highway; or maliciously cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or to willfully tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distribution system of any electric light plant, electric motor, gas plant, or water or sewer plant; or to aid or abet any other person in so doing.

13.16.050 High Explosives. It is unlawful for any person to store or keep high explosives (dynamite, nitro glycerin or any other high explosives) within the corporate boundaries of the City and Borough of Yakutat.

Chapter 13.18

FISH AND GAME

Sections:

- 13.18.010 State Fish and Game Statute and Regulations.
- 13.18.020 Conflicts between State law and the Yakutat Code.
- 13.18.030 Authority of the Department of Public Safety.

13.18.010 State Fish and Game Statute and Regulations. The following statute and regulations are adopted as ordinances of the City and Borough of Yakutat by reference:

- A. Alaska Statutes, section 16.05.330.
- B. Alaska Administrative Code Title 5 Chapter 47.
- C. Alaska Administrative Code Title 5 Chapter 75.

13.18.020 Conflicts between State law and the Yakutat Code. In the case of conflict between the State statute and regulations adopted by reference, and any other section of the Yakutat Code, the Yakutat Code shall apply unless preempted by State law.

13.18.030 Authority of the Department of Public Safety. Officers of the Yakutat Department of Public Safety are hereby authorized to enforce the fish and game laws, regulations, and ordinances.

Chapter 13.20

OFFENSES BY OR AGAINST MINORS

Sections:

- 13.20.010 Child defined.
- 13.20.020 Curfew designated.
- 13.20.030 Parent or guardian responsibility.
- 13.20.040 Exceptions.
- 13.20.050 Prosecution for Violations; Penalties; Evidence.

13.20.010 Child defined. "Child" as used in this chapter, means a person under 18 years of age.

13.20.020 Curfew Designated. No child may be in a public area or building, a place of amusement and entertainment, or unsupervised place, between 11:00 p.m. and 5:00 a.m., except as allowed by §13.20.040.

13.20.030 Parent or Guardian Responsibility. No parent, guardian or other person having the custody and control of a child may allow the child to be in a public area or building, place of amusement and entertainment, or unsupervised place, between 11:00 p.m. and 5:00 a.m., except as allowed by §13.20.040.

13.20.040 Exceptions. This chapter does not apply to a child who:

- A. Is accompanied by a parent, guardian, or custodian;
- B. Is accompanied by an adult specified by a parent, guardian, or custodian;
- C. Is carrying out an errand or other lawful activity as directed by a parent, guardian, or custodian;
- D. Is occupying the sidewalk of the place where the minor resides, or the sidewalk of a place where the minor has permission from his or her parent or guardian to be, or the sidewalk of a next-door neighbor not communicating an objection to a police officer;
- E. Is participating in, going to, or returning from: lawful employment; a lawful athletic, educational, entertainment, religious, or social event; or interstate travel; or
- F. Has had the disabilities of minority removed for general purposes under AS 09.55.590 and who has arrived at the age of majority under AS 25.20.010.

13.20.050 Prosecution for Violations; Penalties; Evidence.

A. Any person violating any provision of this Chapter, or failing to comply with any mandatory requirement of this Chapter, is guilty of a violation and shall be punished by imposition of the fine established in the fine schedule set forth in Section 1.24.040 if the offense is listed in that fine schedule; if the offense is not listed in the fine schedule, the person must appear in court, and shall be punished by imposition of a fine in accordance with Section 1.24.010.

B. In a prosecution for a violation of this chapter, the presence of a child in an area or place described in this chapter and unattended by a parent or guardian shall be deemed prima facie evidence of violation of the provisions of this chapter.

Chapter 13.22

CHARITABLE GAMING

Sections:

13.22.010 Operators of Charitable Gaming Prohibited.

13.22.010 Operators of Charitable Gaming Prohibited.
Operators of charitable gaming, as defined in Alaska Statute 05.15.210(28), are prohibited from conducting activities under the provisions of Title 5, Chapter 15 of the Alaska Statutes, within the City and Borough of Yakutat. There shall be no operations pursuant to any operator's license issued pursuant to Alaska Statute 05.15.122 after 90 days from the effective date of this ordinance.

Chapter 13.24

PENALTIES

Sections:

13.24.010 Violation -- Penalty.

13.24.010 Violation -- Penalty. Violation of any of the provisions of this Title shall subject the violator to a fine as provided in §1.24.010.