

**PETERSBURG BOROUGH
ORDINANCE #2014- 05**

**AN ORDINANCE PROVIDING FOR TITLE 10 OF THE MUNICIPAL CODE AND
UPDATING CURRENT LANGUAGE TO REFLECT BOROUGH INCORPORATION**

Whereas, on January 3, 2013 the Election Division for the State of Alaska certified the election results of the December 18, 2012 incorporation election for the Petersburg Borough, and

Whereas, the certified election confirmed the incorporation of the Petersburg Borough and dissolved the City of Petersburg, and

Whereas, Petersburg Borough Charter, Section 19.06 requires all ordinances, resolutions, regulations, orders and rules in effect for the former City of Petersburg continue in full force and effect within the Petersburg Borough, Service Area 1, until expressly reaffirmed, revised or repealed by the assembly.

Therefore the Petersburg Borough Ordains, the existing provisions for Title 10, Criminal Code, as noted with amendments below, are hereby approved and adopted as a borough ordinance to be administered on an areawide basis.

Section 1. Classification: This ordinance is of a permanent nature and shall be codified in the Petersburg Borough Code.

Section 2. Purpose: The purpose of this ordinance is to update Code language to reflect borough incorporation, to eliminate certain municipal criminal offenses which are duplicative of state criminal offenses, to utilize culpable mental states for municipal offenses which are similar to those set out in state law, and to insert fine amounts for violations of this title.

Section 3. Substantive Provisions: The provisions of the former City of Petersburg (now Service Area 1) Municipal Code, Title 10, Criminal Code, are hereby transferred and incorporated into this borough ordinance, and shall read as follows.

TITLE 10 CRIMINAL CODE

Chapters:

Chapter 10.04 - OFFENSES AGAINST PUBLIC OFFICERS AND GOVERNMENT

Chapter 10.08 - DISORDERLY CONDUCT, ~~ASSAULT, AND ASSAULT AND BATTERY~~

~~Chapter 10.12 - PUBLIC DECENCY~~

Chapter 10.16 - OFFENSES AGAINST PROPERTY

Chapter 10.20 - WEAPONS

Chapter 10.24 - WATERCRAFT

~~Chapter 10.24 - PENALTY~~

Chapter 10.28 - ALCOHOL

Chapter 10.32 - CURFEW FOR MINORS

Chapter 10.36 - DEFINITIONS, CULPABILITY AND VIOLATIONS

Chapter 10.04 - OFFENSES AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

~~10.04.010 - Resisting, interfering with or impersonating police officers.~~

~~10.04.020 - False fire alarms—Damaging firefighting and alarm equipment.~~

~~10.04.030 - Injury to posted notices.~~

~~10.04.040 - Injury to public improvements—Obstructing streets—Excavations.~~

~~10.04.010 - Resisting, interfering with or impersonating police officers.~~

~~With respect to police officers, the following shall be deemed unlawful acts:~~

- ~~A. Challenging to fight a policeman in the performance of his duties;~~
- ~~B. Assault or battery of a policeman in the performance of his duties;~~
- ~~C. Engaging in deliberate and continued baiting of a policeman by verbal excess or abuse which has no apparent purpose other than to provoke a violent action from the policeman;~~
- ~~D. Resisting arrest by a police officer or assisting another in resisting such arrest;~~
- ~~E. Assisting a person in lawful custody of a police or other municipal officer to escape;~~
- ~~F. Impersonating a police officer or, without authority, exercising or attempting to exercise his powers.~~

~~10.04.020 - False fire alarms—Damaging firefighting and alarm equipment.~~

~~No person or persons shall turn in, sound or cause to be communicated to the fire department a false alarm of fire, or molest any firefighting apparatus or equipment, or anything pertaining to the fire alarm system or to the volunteer fire department.~~

~~10.04.030-010 - Injury to posted notices.~~

It is unlawful for any person or persons to willfullyknowingly tear down, alter, deface or injure so as to render illegible any posted, written or printed notice, or any part thereof, when said written or printed notice is posted or put up in pursuance to any law requiring or authorizing the same to be done in the cityborough, before the expiration of the time for which such notice is required to be posted.

~~10.04.040-020 - Injury to public improvements—Obstructing streets—Excavations.~~

It is unlawful for any person to:

- A. Tear up, injure or remove any sidewalk, crosswalk, water pipe, water main, drain or sewer, or to hinder or obstruct the making or repairing of the same, or any public work or improvement being done by the boroughcity or by any person authorized by the boroughcity to construct or repair the same; or

B. Obstruct any street, highway, alley, crossing, sidewalk or other public passageway of the cityborough; or

C. Without written permission of the cityborough manager or of the city councilborough assembly, dig, remove, or carry away, or cause or procure any person to dig, remove or carry away any wood, stone, earth, sand or gravel from any graded street, alley or improved public land.

Chapter 10.08 - DISORDERLY CONDUCT, ~~ASSAULT, AND ASSAULT AND BATTERY~~

Sections:

10.08.010 - Public place defined.

10.08.020 - Crime designated.

~~10.08.030 - Interpretation for prosecution.~~

~~10.08.040 - Assault - Assault and battery.~~

10.08.010 - Public place defined.

For the purposes of Sections 10.08.020, a "public place" is a street, sidewalk, wharf, road, park, harbor facility, municipal building or other publicly owned area where the public is permitted to assemble, enter or pass through, or is a privately owned area so dedicated to public use that exclusive possession or restricted access is not and has not been exercised either during the day or night for a reasonable period of time.

10.08.020 - Crime designated.

A person who does any of the following while within the corporate limits of the cityborough is guilty of disorderly conduct:

~~A. — Creating Noise. In a public place, repeatedly or continuously shouts, blows the horn, plays a musical or recording or amplifying instrument, or otherwise generates loud noises intending to disturb or acting with reckless disregard, having been informed by another that the conduct is disturbing the reasonable peace and privacy of others not in the same place;~~

~~B. Interfering With Peace Officers. In a public place, when a criminal offense has occurred, there is a fire, peace officers are effecting an arrest or a peace officer is performing any authorized act, knowingly resists or obstructs the performance by the peace officer, or refuses to comply with a lawful order of a peace officer to disperse, or in a private place refuses to comply with an order of the peace officer to leave the premises in which he has neither a right of occupancy nor the expressed invitation to remain of the person having the right of possession;~~

~~C. Provoking and Fighting. In a public or private place, challenges or intends to provoke another to fight, uses abusive epithets personally addressed to another which would likely cause an average addressee to fight, or engages in fighting other than in self-defense;~~

~~D. Dangerous Acts. In a public or private place, knowingly or recklessly engages in a course of conduct or repeatedly commits acts, or creates a condition dangerous to the person or property of another, and such conduct or actions have no legal justification or excuse;~~

~~E.A. Accosting Persons. In a public place, follows and repeatedly accosts any person for the purpose of obtaining money or other property from the person;~~

BF. Disrupting Assemblies. In a public or private place boisterously or brawlingly interferes with the quiet and good order of any assembly, including schools, churches, libraries, ~~council~~assembly meetings and reading rooms when intending only to disrupt others in the exercise of their rights and impede the business or purpose of the assembly and has no bona fide intention to exercise a constitutional right of ~~his~~the person's own;

CG. Public Intoxication. In a public place, is under the influence of alcohol, narcotics or other drugs to the degree that ~~he~~the person may endanger other persons or property;

H. Conspiracy. ~~In a public or private place, comes together with three or more persons with a common design or intent, or thereafter such design or intent is conceived, to accomplish an unlawful end or use unlawful means to accomplish an end;~~

DI. Obscenity. In a public place, utters, distributes or circulates obscene language or material, defined as erotic stimuli or expressions which, taken as a whole, lack serious literary, artistic, political or scientific value and is depicted or described in a patently offensive manner including descriptions of ultimate sex acts, normal or perverted, actual or stimulated, and patently offensive verbal representations or certain descriptions of masturbation, excretory functions, and lewd exhibition of the genitals, and which are not otherwise a legitimate and protected exercise of free speech under the First Amendment of the Constitution.

~~10.08.030 – Interpretation for prosecution.~~

~~In a prosecution under Section 10.08.020A:~~

~~A.If the loud noise constitutes speech, the content of speech or evidence of specific works used by the defendant is admissible in evidence against him only as permitted by court rule.~~

~~B."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 speak freely without leaving the public place.~~

~~C."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.~~

~~10.08.040 – Assault—Assault and battery.~~

~~Any person, not armed with a dangerous weapon, who unlawfully assaults or threatens another in a menacing manner, is guilty of assault, or who unlawfully strikes another is guilty of assault and battery.~~

~~Chapter 10.12 – PUBLIC DECENCY~~

~~Sections:~~

~~10.12.010 – Keeping bawdy house.~~

~~10.12.020 – Gambling.~~

~~10.12.030 – Indecent exposure.~~

~~10.12.040 – Invading privacy by peeping or peering.~~

~~10.12.010 – Keeping bawdy house.~~

It is unlawful for any person to keep or set up a house of ill fame, brothel, or bawdy house for the purpose of prostitution, fornication or lewdness.

10.12.020 - Gambling.

It is unlawful for any person to deal, play, carry on, open or cause to be opened or to conduct either as owner, proprietor or employee, whether for hire or not, a game played with cards, dice, or other device, if it is played for money or for checks, chips, credit representing money, or other representative of value.

10.12.030 - Indecent exposure.

It is unlawful for any person to appear in any public place, and to be exposed to public view, in an indecent or lewd state of dress or attire, or to make any indecent exposure or exhibition of his or her person, or commit or engage in any lewd or indecent act or behavior therein, but this provision shall not be construed to prohibit simple nudity.

10.12.040 - Invading privacy by peeping or peering.

It is unlawful for any person, other than a police officer engaged in the lawful pursuit of his official duties, to knowingly invade the privacy of another by visually peeping or peering through any door, window, transom or aperture of any dwelling, vessel or other habitation with the intent to invade the privacy of the lawful occupant thereof.

Chapter 10.16 - OFFENSES AGAINST PROPERTY

Sections:

10.16.010 - Theft~~Petit larceny.~~

~~10.16.020 - Defrauding hotel keepers.~~

~~10.16.030-020 - Injury to property of another~~Malicious mischief.

~~10.16.040-030 - Injury to boundary monuments and improvements along public ways.~~

~~10.16.050-040 - Trespassing.~~

10.16.010 - Theft~~Petit larceny.~~

It is unlawful for any person to obtain the property of another,

i) with intent to deprive the other of that property or to appropriate it to oneself or a third person;

ii) knowing that the property was lost, mislaid or delivered under a mistake without taking reasonable measures to restore the property to the owner;

iii) by deception;

iv) by buying, receiving, retaining, concealing or disposing of stolen property with reckless disregard that the property was stolen;

v) by obtaining services by deception, force, threat or other means to avoid payment, by diverting services over which the person has control to the person's own benefit or to the benefit of another not

entitled to them, or by obtaining the use of any part of a computer system or network with reckless disregard that the use is unauthorized; or

vi) by failing to make required disposition of funds received or held when the person obtains property or personal services from another subject to a legal obligation to make payment or disposition and fails to make the required payment or disposition when to steal, take and carry away the property of another consisting of any goods or chattels or any government note, bill of exchange, bond or other thing in action, or any book of accounts, order or certificate concerning matters or goods due or to become due or to be delivered, or any deed or writing containing a conveyance of land or any interest therein, or any bill of sale or writing containing a conveyance of goods or chattels or any interest therein, or any other valuable contract in force, or any receipt, release or defeasance, or any writ, process or public record, which the property does not in the aggregate exceed in value the sum of five hundred dollars.

10.16.020 - Defrauding hotel keepers.

It is unlawful for any person to put up or stay at a hotel, inn, boardinghouse or lodging house and to procure fare, board or lodging from the owner or keeper by means of a trick, deception or false representation or a false show of baggage or effects, with the intent to cheat or defraud the owner or keeper out of the pay for the fare, board, lodging or accommodation; or, with that intent, to abscond, surreptitiously remove or cause to be removed baggage or effects from a hotel, inn, boardinghouse or lodging house without first paying the proper charges due.

10.16.030-020 -- Injury to property of anotherMalicious mischief.

It is unlawful for any person to recklessly maliciously or wantonly cut down, destroy, injure or damage the property of another.

10.16.040-030 - Injury to boundary monuments and improvements along public ways.

It is unlawful for any person to:

A. RecklesslyWillfully deface, break down, injure, remove or destroy any monument erected or used for the purpose of designating the boundary of the cityborough, or any tract or parcel of land therein, or any street or alley of the borougheity, or any tree marked for that purpose; or

B. RecklesslyWillfully break down, injure, remove or destroy any board or post or guide or fingerboard or street sign, erected or placed upon any street, alley or highway in the cityborough; or

C. RecklesslyWillfully alter, deface or obliterate the inscription upon any such monument stone, post or board in the borougheity, or

D. RecklesslyWillfully extinguish any lamp or break, injure or destroy any lamp or lamppost, gate, fence, sign or signpost, or any railing or post erected upon any street, highway, alley, sidewalk, pathway or passage in the borougheity.

10.16.050-040 - Trespassing.

It is unlawful for any person to knowinglywillfully enter upon the garden, yard or other improved lands of another person or in the possession of another person with the intent to cut, take, carry away or injure the trees, grass, hay, fruit or vegetable products thereon growing and being, or to knowinglywillfully cut down, destroy or injure any standing or growing tree upon the said land, or to willfullyknowingly take

or remove from any such lands any timber or wood previously cut or severed from the same, or to ~~knowingly willfully~~ dig, take, quarry or remove from such lands any earth or stone, or to take or remove or injure or destroy any property of any kind whatsoever on any such lands.

Chapter 10.20 - WEAPONS

Sections:

~~10.20.010 - Carrying a concealed weapon.~~

~~10.20.020-010 - Discharge of firearms prohibited.~~

~~10.20.021-020 - Discharge of firearms and other weapons.~~

~~10.20.030 - Possession of firearms while intoxicated.~~

~~10.20.010 - Carrying a concealed weapon.~~

10.20.020-010 - Discharge of firearms prohibited.

A. It is unlawful for any person, except a peace officer or other state or local official performing a lawful duty, to fire or discharge any pistol, gun, rifle, or any other firearm within the following described areas of the borough:

1. corporate limits of the city, including that area described as All land located to the east of Forest Road 6204 from the marker located at approximately mile 7.9 and south of the highest point in Section 15, T59S, R80E and north of the highest point in Section 27, T59S, R80E south to the marker located at approximately mile 10.0 (Frederick Point East Subdivision).

2. All land located to the north and west but excepting that area south and east of a line from Frederick Point to the highest point in Section 8, T59S, R90E; to the highest point in Section 7, T59S, R80E; to the highest point in Section 13, T59S, R79E; to the highest point in Section 23, T59S, R79E; then due south to the Petersburg City boundary boundary line of Service Area 1.

10.20.021-020 - Discharge of firearms and other weapons.

A. It is unlawful for any person to shoot, release, throw or otherwise discharge any firearm or other weapon: i) at or in the direction of a residential dwelling or other building with reckless disregard for a risk of physical injury to a person; ii) from, on or across a street, road or highway; or iii) from a vehicle while the vehicle is being operated and under circumstances manifesting substantial and unjustifiable risk of physical injury to a person or damage to property within one quarter mile of any of the following areas within the corporate city limits: airport property, dwellings, businesses, highways, roads, drives, avenues, or streets with the following exceptions:

1. Approved use of a firearm, as defined under State law, at a borough firing range;

Discharge of other weapons is allowed in that area south and east of a line from Frederick Point to the highest point in Section 8, T59S, R80E; to the highest point in Section 7, T59S, R80E; to the highest point in section 13, T59S, R79E; to the highest point in Section 23, T59S, R79E; then due south to the Petersburg City Boundary; and

2. Archery practice may be conducted, utilizing inanimate targets, while employing all necessary reasonable and prudent safety measures to prevent projectiles from going outside or beyond a target found under Article 18, Section 13 of the 2001-2002 National Field Archery Association (NFAA) Constitution & By-Law; and

3. Ranges approved by the ~~NFAA~~borough shall be allowed the use of mechanical moving targets.

B. For purposes of this section, "other weapon" shall be defined as any weapon, other than a firearm, including bow and arrow, crossbow, spear, throwing knife, ~~high-powered~~ sling shot, blow gun, high powered pellet gun, ~~bb gun, and any similar weapon~~etc., capable of being launched, or of launching, a projectile, and likely to cause death or serious physical injury to any person struck by the weapon or projectile.

~~10.20.030 – Possession of firearms while intoxicated.~~

~~It is unlawful for any person, while under the influence of intoxicating liquor or any drug, to handle, use or discharge a firearm, or to carry a firearm on his person or in any vehicle occupied by him.~~

Chapter 10.24 - WATERCRAFT

Sections:

10.24.010 – State Provisions Adopted.

10.24.020 – Fine Schedule.

10.24.010 – State Provisions Adopted.

Alaska Statutes 05.25.010, 05.25.020, 05.25.030(b), 05.25.040, 05.25.055(a) and (d), 05.25.060, 05.25.070 and 05.25.100 are hereby adopted by reference, together with all amendments promulgated thereto, as watercraft safety provisions of the borough.

10.24.020 – Fine Schedule.

The "Watercraft Bail Forfeiture Schedule" set out in Administrative Rule 43.8 of the Alaska Court Rules, and all amendments to that schedule that are promulgated from time to time, are hereby adopted as the watercraft safety fine schedule for the borough. Citations for offenses listed on the schedule may be disposed of without a court appearance upon payment of the amounts set out in the schedule, plus any applicable state surcharge. If a person charged with one of the offenses listed in the schedule is found guilty, the penalty imposed for the offense may not exceed the amount listed for that offense. If an offense is not listed in a schedule, the defendant must appear in court to answer to the charges. The fines established in the schedule may not be judicially reduced.

Chapter 10.24 – PENALTY

Sections:

~~10.24.010 – Designated.~~

~~10.24.010 – Designated.~~

~~Any person, firm or corporation violating any of the provisions of Chapters 10.04 through 10.20, except Section 10.04.020, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not to exceed three hundred dollars, or by imprisonment not to exceed thirty days, or both.~~

Chapter 10.28 - ALCOHOL

Sections:

10.28.010 - Consumption and possession in public places and unlicensed establishments prohibited.

~~10.28.020 - Reserved.~~

10.28.0~~2~~30 - Exceptions.

10.28.0~~3~~40 - Penalty.

10.28.010 - Consumption and possession in public places and unlicensed establishments prohibited.

For purposes of this chapter, "open container" is defined as: A can, bottle, or any other container that 1) can not contain its content when turned on its side or upside down; and/or 2) has a broken seal.

A. Except as otherwise provided in Section 10.28.0~~2~~30, it is unlawful for any person to consume any alcoholic beverage on the public streets, sidewalks, docks, floats, parks or in any other public place, including any store or establishment open to or doing business with the public not licensed to sell alcoholic beverages for consumption on the premises. This prohibition shall extend to consumption of alcoholic beverages while in motor vehicles at the places aforementioned.

B. It is unlawful for any person to have an open container, containing an alcoholic beverage, in their possession on the public streets, sidewalks, docks, floats, parks, in a motor vehicle, or in any other public place, including any store or establishment open to and doing business with the public not licensed to sell alcoholic beverages for consumption on the premises.

C. It is unlawful for any person or business organization which owns operates or controls any public establishment or store to permit a violation of subsections A. and B. of this section to occur on the premises.

~~10.28.020 - Reserved.~~

10.28.0~~30~~020 - Exceptions.

No person may possess or consume intoxicating liquor in a public place except under conditions authorized by the ~~city council~~borough assembly by resolution or in the absence of such resolution as specifically authorized by the ~~city~~borough manager or ~~his~~the manager's designee.

10.28.040-030 - Penalty.

Any person, organization, business or establishment violating any of the provisions of this chapter shall be guilty of a violation, and shall be punished by a fine ~~not to exceed three hundred dollars~~ as provided in Chapter 1.16 of the borough code.

A. ~~Every person, organization, business or establishment who violates any provision of this title shall be subject to a fine not exceeding three hundred dollars. Violations of this chapter have a maximum fine of three hundred dollars and~~ no possibility of jail time. Therefore anyone contesting a citation does not have the right to trial by jury nor the right to counsel provided by the ~~city~~ borough. The accused does have the right to trial by magistrate and does have the right to obtain counsel at their own expense.

B. ~~The offenses set out in this chapter~~ Certain offenses, as set forth in the table below, shall be amendable to disposition without court appearance upon payment and forfeiture of the fine ~~bail~~ amount ~~listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense shall not exceed the bail amount listed for that offense.~~ An offense for which a fine ~~bail forfeiture amount~~ has been established shall be charged on a citation which meets the requirements of District Court and shall not be filed, numbered or processed as a criminal case.

C. ~~Any person who fails or refuses to pay fines duly assessed against him for violations of this title, after the accumulated fines equal or exceed three hundred dollars, shall become subject to a mandatory court appearance for each subsequent violation of this title, until such time as the previously accumulated fines have been paid in full.~~

~~D. The following table lists offenses in the title which shall be subject to disposition, at the option of the offender, by payment of the bail forfeiture amount as a fine; and lists the amount of penalty for each offense:~~

First Offense:	\$ 50.00 (fifty dollars)
Second Offense	\$150. (one hundred fifty dollars)
Third and subsequent offenses	\$300.00 (three hundred dollars)

Chapter 10.32 - CURFEW FOR MINORS

Sections:

- 10.32.010 - Definitions.
- 10.32.020 - Curfew designated.
- 10.32.030 - Extension of hours by police chief.
- 10.32.040 - Parents not to allow violation.
- 10.32.050 - Proof of age.
- 10.32.060 - Aiding or abetting violations.
- 10.32.070 - Police custody of children in violation—Report.
- 10.32.080 - Penalty.
- 10.32.090 - City of Kupreanof

10.32.010 - Definitions.

Whenever the following words or terms are used in this chapter, they shall have the meaning ascribed to them as follows, unless the context makes such meaning repugnant thereto:

- A. "Holiday" means approved holidays and all days preceding holidays proclaimed as such by the local school board during the school year.
- B. "Public places" includes all stores, factories, plants, theaters, restaurants, hotel lobbies and other places which may be entered by the public without trespassing thereon.
- C. "School year" means September 1st through May 31st.
- D. "Street" means all public lands and thoroughfares, including improvements thereon owned by the cityborough, streets, alleys, sidewalks, playgrounds, docks, wharves and other public lands.
- E. "Summer" means June 1st through August 31st.

10.32.020 - Curfew designated.

A. Age Fifteen and Under. Except when actually accompanied by a parent, legal guardian, or other responsible person, designated or lawfully appointed with his or her care, custody or control, it is unlawful for any child through the age of fifteen years inclusive to be upon the street or upon or within public places in the cityborough during the following times:

- 1. During the summer, the curfew shall be in effect between the hours of ten-thirty p.m. and six a.m., Monday through Sunday, without exception for Friday and Saturday night and nights preceding legal state of Alaska holidays;
- 2. During the school year, the curfew shall be in effect between the hours of nine-thirty p.m. and six a.m., Sunday through Thursday, exempting Friday and Saturday nights, and nights preceding Petersburg Public School holidays, on which the curfew will commence at ten-thirty p.m.

B. Age Sixteen and Seventeen. Except when actually accompanied by a parent, legal guardian or other responsible person designated with his or her lawful care, custody or control, it is unlawful for any child between the ages of sixteen through seventeen inclusive to be upon the street or within public places in the cityborough during the following times:

- 1. During the summer, the curfew will be in effect between the hours of twelve midnight and six a.m., Monday through Sunday, without exception for Friday and Saturday night and nights preceding legal state of Alaska holidays;
- 2. During the school year, the curfew shall be in effect between the hours of ten-thirty p.m. and six a.m., Sunday through Thursday, exempting Friday and Saturday nights and nights preceding Petersburg Public School holidays, in which the curfew will commence at twelve midnight.

10.32.030 - Extension of hours by police chief.

A. For Chaperoned Events. Curfew hours may be extended for any special school events sponsored by the school authorities, or any other events chaperoned by reliable adults. Written

application for curfew-hour extension shall be made to the office of the chief of police. This application must be approved and notice of such approval posted in a public place no less than twenty-four hours prior to the day of extension. In no case shall any chaperone, school authority or other person allow said extension of curfew hours without such approval.

B. For Late-night Jobs. On written application by any child covered in Section 10.32.020, countersigned by the child's parent or legal guardian, the chief of police may grant in writing an exception to curfew hours on specified nights and for a specified period of time, in order for the child to work at a job that requires being out at a time later than the curfew specified in this chapter. Said exception shall be granted only when it appears to be in the best interest of the child and only when the nights and hours are regular. This exception shall be subject to review and revocation at any time, and in no case shall be for longer than three months. At the end of three months it shall be reviewed, and may be renewed for up to three months if the child's welfare is served.

10.32.040 - Parents not to allow violation.

No parent, guardian or other person who is responsible for the care or custody of any such child shall allow such child to be upon any street or in any public place in the cityborough in violation of this chapter.

10.32.050 - Proof of age.

A police officer of the cityborough may require of any child, or any parent, guardian or any person having the care or custody of any child, such proof of age of such child as shall be required by such police officer, and unless such proof is furnished, such child shall be deemed to be of the age determined by such police officer.

10.32.060 - Aiding or abetting violations.

It is unlawful for any person to aid or abet the violation of any section of this chapter.

10.32.070 - Police custody of children in violation—Report.

Any child found upon the streets or in any public place within the cityborough in violation of this chapter shall be taken into custody by the police and delivered to his or her parents, guardian or person having care or custody of such child, and a report thereof shall be maintained in the office of the chief of police.

10.32.080 - Penalty.

A. Any parent, guardian or other responsible person designated or lawfully appointed with the care, custody or control of such child who is upon public streets or within public places in the cityborough in violation of this chapter shall be guilty of a violation, and shall for the first offense, be informed of the facts concerning the same, and for all subsequent ~~offenses, violations, shall be sentenced to pay a fine not to exceed fifty dollars. subject to a fine as provided in Chapter 1.16 of the borough code.~~

B. Any person who helps, assists, facilitates, promotes or encourages a child to commit a violation of this chapter, by advancing or bringing about its commission, shall be guilty of a violation, sentenced to pay a fine not to exceed fifty dollars, and shall be subject to a fine as provided in Chapter 1.16 of the borough code.

10.32.090 – City of Kupreanof.

The provisions of this chapter shall not apply within the boundaries of the City of Kupreanof.

Chapter 10.36 DEFINITIONS, CULPABILITY AND VIOLATIONS

Sections:

10.36.010 – Definitions.

10.36.020 – Culpability.

10.36.030 – Violations.

10.36.010 – Definitions.

A. The term 'firearm' as used in this Title shall have the meaning ascribed to it by state law, as found in Alaska Statute 11.81.900.

B. The culpable mental states of 'knowingly' and 'recklessly' shall have the meanings ascribed to them by state law, as found in Alaska Statute 11.81.900.

10.36.020 – Culpability.

A. If a provision of this Title 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 a result is "recklessly."

B. When a provision of law provides that acting recklessly suffices to establish an element, that element also is established if a person acts intentionally or knowingly. If acting knowingly suffices to establish an element, that element is also established if a person acts intentionally.

10.36.030 – Violations.

A person who violates a provision of this Chapter shall be guilty of a violation and subject to a fine as provided in Chapter 1.16 of the borough code, except as otherwise set out in section 10.24.020..

Section 4. Fine Amounts:

The following fine amounts are adopted for violations of this chapter, and shall be administratively incorporated into section 1.16.030 of the borough code:

<u>Section</u>	<u>Description of Violation</u>	<u>Fine Amount</u>
10.04.010-.020	Injury to posted notices and public improvements	\$ 50.00
10.08.020	Disorderly conduct	\$ 200.00
10.16.010-.020	Theft and Injury to Property of another	\$ 100.00, if property obtained or

		destroyed/damaged valued at \$50 or less;
		\$ 250.00, if property obtained or destroyed/damaged valued at over \$50.00
10.16.030	Injury to boundary monuments or public way improvements	\$ 100.00
10.16.040	Trespassing	\$ 100.00
10.20.010-.020	Discharge of firearms and other weapons	\$ 250.00
10.28.010	Public consumption or possession of alcoholic beverages	\$ 150.00
Chptr 10.32	Curfew	\$ 50.00

A future modification in a fine amount set out in this section shall be by amendment to section 1.16.030.

Section 5. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

Section 6. Effective Date: This Ordinance shall become effective immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this _____ day of _____, 2014.

Mark Jensen, Mayor

ATTEST:

Kathy O'Rear, Clerk

Adopted:
Published:
Effective: