

ORDINANCE NO. 95-416

CITY OF CRAIG

AMENDING TITLE 9 (PUBLIC PEACE, MORALS AND SAFETY)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG:

Section 1. Classification. This ordinance is of a general and permanent nature and the code sections adopted shall become a part of the code of the City of Craig, Alaska.

Section 2. Severability. If any provision of this ordinance or its 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 thereby.

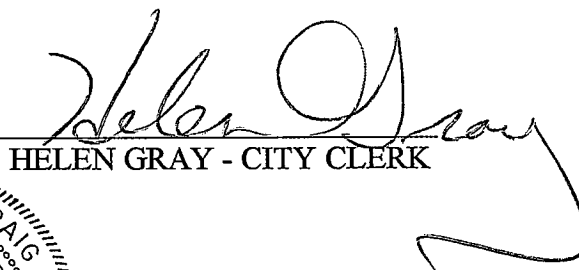
Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Action. This ordinance amends Title 9 by deleting those words that are capitalized and in brackets and adding those that are underlined as attached: All changes are also in bold type.

APPROVED this 5th day of October, 1995.


MAYOR DENNIS WATSON

ATTEST


HELEN GRAY - CITY CLERK



Title 9
Public Peace, Morals and Safety

General Provisions

9.10.010 Applicability. The provisions of this chapter shall apply to the entirety of Title 9.

9.10.020 Penalties for violations. A. Every person who violates any provision of Title 9 shall be subject to a fine not exceeding three hundred dollars. **All violations of these provisions shall be considered misdemeanors for court and statistical reasons but shall be considered violations in terms of penalties. Violations of this chapter have a maximum fine of \$300, and no possibility of jail time. Therefore anyone contesting any arrest or citation does not have the right to trial by jury nor the right to counsel provided by the city. The accused does have the right to trial by magistrate and does have the right to obtain counsel at their own expense.**

B. Certain offenses, as set forth in the table below, shall be amenable to disposition without court appearance upon payment and forfeiture of the bail amounts 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 bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8 (c) 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 Title 9, after the accumulated fines equal or exceed three hundred dollars, shall become subject to a mandatory court appearance for each subsequent violation of Title 9, until such time as the previously accumulated fines have been paid in full.

D. The following table lists (by Craig Code section) those offenses in Title 9 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:

Code Provision Violated	Bail Forfeiture (Fine) Amount		
	First Offense	Second Offense	Third & Each Subsequent Offense
9.28.010	\$50	\$100	\$300
9.38.010	100	200	300
9.38.020	100	200	300
9.38.030	100	200	300
9.38.040	100	200	300
[9.40.010	100	200	300]
[9.40.020	100	200	300]
[9.40.030	100	200	300]

9.42.010	100	200	300
[9.42.020	100	200	300]
[9.42.030	100	200	300]
[9.42.040	100	200	300]
[9.42.050	100	200	300]
9.62.010	100	200	300
9.62.020	100	200	300
[9.62.030	100	200	300]
9.62.040	100	200	300
[9.62.050	100	200	300]
[9.62.060	100	200	300]
[9.62.070	100	200	300]
[9.62.080	100	200	300]
[9.62.090	100	200	300]
[9.62.100	100	200	300]
[9.62.110	100	200	300]
[9.82.010	100	200	300]
9.88.010	100	200	300
9.90.010	100	200	300
9.90.020	100	200	300
9.90.030	100	200	300

9.10.060 Disposition and record. A. Every Officer upon issuing a citation to an alleged violator of any provision of this title shall deposit the original of the citation with the chief of police.

B. Upon filing of such original citation, said citation may be disposed of only by trial before the district court magistrate, by other official action by the magistrate, **by action of the Chief of Police where appropriate and necessary** including forfeiture of bail or by payment of a fine imposed by the court, or by payment to the police department of the fine specified on the back of the citation.

C. It is unlawful and official misconduct for any member of the department or for any other officer or public employee to dispose of, alter or deface a citation or any copy thereof, or the record of the issuance or disposition of any citation, complaint, or warrant in a manner other than as required by law.

9.28.010 Obstruction permit required. It is unlawful for any person or persons to obstruct any sidewalk, street or alley with wood, lumber or with whatever materials whether it be in the construction, erection or demolition or repairs of any building or otherwise, without first having obtained a permit from one of the trustees of the city. On failure to first obtain such permit and upon trial and conviction thereof, the person or person so offending shall be punished by a fine **[OR A MUNICIPAL JAIL SENTENCE AT THE DISCRETION OF THE MUNICIPAL MAGISTRATE OR THE CHIEF EXECUTIVE OF THE CITY WHO HAS POWER AND AUTHORITY RESPECTIVELY, TO PUNISH ALL OFFENDERS WHO FAIL TO**

COMPLY WITH ANY OF THE PROVISIONS OF THIS SECTION AND SECTION 9.48.010.] as set by bail schedule.

**[CHAPTER 9.40]
[OFFENSES AGAINST PUBLIC HEALTH AND DECENCY]**

[9.40.010 PROSTITUTION. A PERSON COMMITS THE CRIME OF PROSTITUTION IF THE PERSON ENGAGES IN OR AGREES OR OFFERS TO ENGAGE IN SEXUAL CONDUCT IN RETURN FOR A FEE.]

[9.40.020 PROMOTING PROSTITUTION IN THE THIRD DEGREE. A PERSON COMMITS THE CRIME OF PROMOTING PROSTITUTION IN THE THIRD DEGREE IF, WITH INTENT TO PROMOTE PROSTITUTION, THE PERSON:]

[A. MANAGES, SUPERVISES, CONTROLS, OR OWNS, EITHER ALONE OR IN ASSOCIATION WITH OTHERS, A PLACE OF PROSTITUTION;]

[B. AS OTHER THAT A PATRON OF A PROSTITUTE, INDUCES OR CAUSES A PERSON SIXTEEN YEARS OF AGE OR OLDER TO ENGAGE IN PROSTITUTION;]

[C. AS OTHER THAT A PROSTITUTE RECEIVING COMPENSATION FOR PERSONALLY RENDERED PROSTITUTION SERVICES, RECEIVES OR AGREES TO RECEIVE MONEY OR OTHER PROPERTY PURSUANT TO AN AGREEMENT OR UNDERSTANDING THAT THE MONEY OR OTHER PROPERTY IS DERIVED FROM PROSTITUTION; OR]

[D. ENGAGES IN CONDUCT THAT INSTITUTES, AIDS, OR FACILITATES A PROSTITUTION ENTERPRISE.]

[9.40.030 GAMBLING. A. A PERSON COMMITS THE OFFENSE OF GAMBLING IF THE PERSON ENGAGES UNLAWFUL GAMBLING.]

[B. IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE DEFENDANT WAS A PLAYER IN A SOCIAL GAME.]

**Chapter 9.42
Offenses Against Public Administration**

9.42.010 Unsworn falsification. A person commits the crime of unsworn falsification if, with the intent to mislead a public servant in the performance of a duty, the person submits a false written or recorded statement which the person does not believe to be true:

A. In an application for a benefit; or

B. On a form bearing notice, authorized by law, that false statements made in it are punishable.

[9.42.020 PROMOTING CONTRABAND IN THE SECOND DEGREE. A PERSON COMMITS THE CRIME OF PROMOTING CONTRABAND IN THE SECOND DEGREE IF THE PERSON:]

[A. INTRODUCES, TAKES, CONVEYS, OR ATTEMPTS TO INTRODUCE, TAKE, OR CONVEY CONTRABAND INTO A CORRECTION FACILITY; OR]

[B. MAKES, OBTAINS, POSSESSES, OR ATTEMPTS TO MAKE, OBTAIN, OR POSSESS ANYTHING THAT PERSON KNOWS TO BE CONTRABAND WHILE UNDER OFFICIAL DETENTION WITHIN A CORRECTIONAL FACILITY.]

[9.42.030 RESISTING OR INTERFERING WITH ARREST.]

[A. A PERSON COMMITS THE CRIME OF RESISTING OR INTERFERING WITH ARREST IF, KNOWING THAT A PEACE OFFICER IS MAKING AN ARREST, WITH THE INTENT OF PREVENTING THE OFFICER FROM MAKING THE ARREST, THE PERSON RESISTS PERSONAL ARREST OR INTERFERES WITH THE ARREST OF ANOTHER BY:]

[1. FORCE;]

[2. COMMITTING ANY DEGREE OF CRIMINAL MISCHIEF; OF]

[3. ANY MEANS THAT CREATES A SUBSTANTIAL RISK OF PHYSICAL INJURY TO ANY PERSON.]

[9.42.040 REFUSING TO ASSIST A PEACE OFFICER OR JUDICIAL OFFICER. A. A PERSON COMMITS THE OFFENSE OF REFUSING TO ASSIST A PEACE OFFICER OR JUDICIAL OFFICER IF, UPON A REQUEST, COMMAND, OR ORDER BY SOMEONE THE PERSON KNOWS TO BE A PEACE OFFICER OR JUDICIAL OFFICER, THAT PERSON UNREASONABLY FAILS TO MAKE A GOOD FAITH EFFORT TO PHYSICALLY ASSIST THE OFFICER IN THE EXERCISE OF OFFICIAL DUTIES.]

[B. A PERSON WHO, WITHOUT EXPECTING COMPENSATION, ASSISTS A PERSON IN ACCORDANCE WITH THIS SECTION IS NOT LIABLE FOR CIVIL DAMAGES AS A RESULT OF AN ACT OR OMISSION IN RENDERING THAT ASSISTANCE. THIS SUBSECTION DOES NOT PRECLUDE LIABILITY FOR CIVIL DAMAGES AS A RESULT OF RECKLESS, WILLFUL, WANTON, OR INTENTIONAL MISCONDUCT.]

[C. REFUSING TO ASSIST A PEACE OFFICER OR JUDICIAL OFFICER IS A VIOLATION.]

[9.42.050] 9.42.020 Making a false report. A person commits the crime of making a false report if the person knowingly;

- A. Gives false information to a peace officer with the intent of implicating another in a crime;
- B. Makes a false report to a peace officer that a crime has occurred or is about to occur; or
- C. Makes a false report or gives a false alarm that a fire or other incident dangerous to life or property calling for an emergency response has occurred or is about to occur.
- D. Gives false information to a peace officer concerning the persons name, date of birth, or address when contacted during the course of a peace officers lawful duties.

Chapter 9.62
Offenses Against Property

9.62.010 Theft in the [THIRD] fourth degree. A person commits the crime of theft in the [THIRD] fourth degree if the person commits theft as defined in AS 11.46.100; and

- A. The value of the property or services is less than fifty dollars. [OR MORE BUT LESS THAT THREE HUNDRED DOLLARS.]

[9.62.020 THEFT BY DECEPTION. A. A PERSON COMMITS THEFT BY DECEPTION IF, WITH INTENT TO DEPRIVE ANOTHER OF PROPERTY OR TO APPROPRIATE PROPERTY OF ANOTHER TO ONESELF OR A THIRD PERSON, THE PERSON OBTAINS THE PROPERTY OF ANOTHER BY DECEPTION.]

[B. IN A PROSECUTION BASED ON THEFT BY DECEPTION, IF THE STATE SEEKS TO PROVE THAT THE DEFENDANT USED DECEPTION BY PROMISING PERFORMANCE WHICH THE DEFENDANT DID NOT INTEND TO PERFORM OR KNEW WOULD NOT BE PERFORMED, THAT INTENT OR KNOWLEDGE MAY NOT BE ESTABLISHED SOLELY BY OR INFERRED SOLELY FROM THE FACT THAT THE PROMISE WAS NOT PERFORMED.]

[C. AS USED IN THIS SECTION, "DECEPTION" HAS THE MEANING ASCRIBED TO IT IN AS 11.81.900 BUT DOES NOT INCLUDE FALSITY AS TO MATTERS HAVING NO PECUNIARY SIGNIFICANCE OR "PUFFING" BY STATEMENTS UNLIKELY TO DECEIVE REASONABLE PERSONS IN THE GROUP ADDRESSED.]

[9.62.030 THEFT BY RECEIVING. A. A PERSON COMMITS THEFT BY RECEIVING IF THE PERSON BUYS, RECEIVES, RETAINS, CONCEALS, OR DISPOSES OF STOLEN PROPERTY WITH RECKLESS DISREGARD THAT THE PROPERTY WAS STOLEN.]

[B. AS USED IN THIS SECTION, "RECEIVED" INCLUDES ACQUIRING POSSESSION, CONTROL, OR TITLE, OR LENDING ON THE SECURITY OF THE PROPERTY.]

[9.62.040 THEFT OF SERVICES. A. A PERSON COMMITS THEFT OF SERVICES IF:]

[1. THE PERSON OBTAINS SERVICES, KNOWN BY THAT PERSON TO BE AVAILABLE ONLY FOR COMPENSATION, BY DECEPTION, FORCE, THREAT, OR OTHER MEANS TO AVOID PAYMENT FOR THE SERVICES; OR]

[2. HAVING CONTROL OVER THE DISPOSITION OF SERVICES OF OTHERS TO WHICH THE PERSON IS NOT ENTITLED, THE PERSON KNOWINGLY DIVERTS THOSE SERVICES TO THE PERSON'S OWN BENEFIT OR TO THE BENEFIT OF ANOTHER NOT ENTITLED TO THEM.]

[B. ABSCONDING WITHOUT PAYING FOR HOTEL, RESTAURANT, OR OTHER SERVICES FOR WHICH COMPENSATION IS CUSTOMARILY PAID IMMEDIATELY UPON THE RECEIVING OF THEM IS PRIMA FACIE EVIDENCE THAT THE SERVICES WERE OBTAINED BY DECEPTION.]

[9.62.050 THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF FUNDS RECEIVED OR HELD. A. A PERSON COMMITS THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF FUNDS RECEIVED OR HELD IF THE PERSON:]

[1. OBTAINS PROPERTY FROM ANYONE OR PERSONAL SERVICES FROM AN EMPLOYEE UPON AN AGREEMENT OR SUBJECT TO A KNOWN LEGAL OBLIGATION TO MAKE SPECIFIED PAYMENT OR OTHER DISPOSITION TO A THIRD PERSON, WHETHER FROM THAT PROPERTY OR ITS PROCEEDS OR FROM THE PERSON'S OWN PROPERTY TO BE RESERVED IN EQUIVALENT AMOUNT; AND]

[2. EXERCISES CONTROL OVER THE PROPERTY OR SERVICES AS THE PERSON'S OWN AND FAILS TO MAKE THE REQUIRED PAYMENT OR DISPOSITION.]

[B. IT IS NOT A DEFENSE TO A PROSECUTION BASED ON THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF FUNDS RECEIVED OR HELD THAT IT MAY BE IMPOSSIBLE TO IDENTIFY PARTICULAR PROPERTY AS BELONGING TO THE VICTIM AT THE TIME OF THE DEFENDANT'S FAILURE TO MAKE THE REQUIRED PAYMENT OR DISPOSITION.]

[C. IN A PROSECUTION BASED ON THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF FUNDS RECEIVED OR HELD, THE FACT THAT THE DEFENDANT WAS A FIDUCIARY OR AN OFFICER OR EMPLOYEE OF A GOVERNMENT OR A FINANCIAL INSTITUTION IS PRIMA FACIE EVIDENCE:]

[1. THAT THE DEFENDANT EXERCISED CONTROL OVER PROPERTY OR SERVICES AS THE DEFENDANT'S OWN IF THE DEFENDANT FAILED TO PAY OR ACCOUNT UPON LAWFUL DEMAND OR IF AN AUDIT REVEALS A SHORTAGE OR FALSIFICATION OF ACCOUNTS; AND]

[2. THAT THE DEFENDANT KNEW ANY LEGAL OBLIGATION RELEVANT UNDER SUBDIVISION 1 OF SUBSECTION A OF THIS SECTION.]

[9.62.060] 9.62.020 Concealment of merchandise. A. A person commits the crime of concealment of merchandise if without authority the person knowingly conceals on or about the person the merchandise of a commercial establishment, not purchased by the person, while still upon the premises of the commercial establishment, with intent to deprive the owner of the merchandise or with intent to appropriate the merchandise.

B. Merchandise found concealed upon or about the person which has not been purchased by the person is prima facie evidence of a knowing concealment.

[9.62.070] 9.62.030 Issuing a bad check. A. A person commits the crime of issuing a bad check if the person issues a check knowing that it will not be honored by the drawee.

B. In a prosecution under this section, it is prima facie evidence that the drawer knew the check would not be honored by the drawee if:

1. Payment of the check was refused by the drawee for lack of funds upon presentation within thirty days after issue, and the drawer failed to make full satisfaction of the amount due within fifteen days, after notice of dishonor was deposited as first class mail, addressed to the drawer at the address appearing on the dishonored check or the drawer's last know address; or

2. The drawer had no account with the drawee at the time the check was issued.

C. In this section:

1. "Amount due" means the face amount of the dishonored check plus all costs plus all costs and protest fees assessed by the drawee;

2. "Check" means a draft, check, or similar sight order for the payment of money, but does not include a postdated check or promissory note;

3. A person "issues" a check when as a drawer the person delivers it or causes it to be delivered to a person who thereby acquires a right against the drawer with respect to the check; a person who draws a check with the intent that it be so delivered is considered to have issued it if the delivery occurs.

[9.62.080 CRIMINAL TRESPASS IN THE FIRST DEGREE. A PERSON COMMITS THE CRIME OF CRIMINAL TRESPASS IN THE FIRST DEGREE IF THE PERSON ENTERS OR REMAINS UNLAWFULLY:]

[A. ON LAND WITH INTENT TO COMMIT A CRIME ON THE LAND; OR]

[B. IN A DWELLING.]

[9.62.090 CRIMINALLY NEGLIGENT BURNING. A PERSON COMMITS THE CRIME OF CRIMINALLY NEGLIGENT BURNING IF WITH CRIMINAL NEGLIGENCE THE PERSON DAMAGES PROPERTY OF ANOTHER BY FIRE OR EXPLOSION.]

[9.62.100 FAILURE TO CONTROL OR REPORT A DANGEROUS FIRE. A PERSON COMMITS THE CRIME OF FAILURE TO CONTROL OR REPORT A DANGEROUS FIRE IF THE PERSON KNOWS THAT A FIRE IS ENDANGERING LIFE OR A SUBSTANTIAL AMOUNT OF PROPERTY OF ANOTHER AND FAILS TO TAKE REASONABLE MEASURE TO PUT OUT OR CONTROL THE FIRE, WHEN THE PERSON CAN DO SO WITHOUT SUBSTANTIAL PERSONAL RISK, OR TO GIVE A PROMPT FIRE ALARM IF:]

[A. THE PERSON KNOWS THAT THE PERSON IS UNDER AN OFFICIAL, CONTRACTUAL, OR OTHER LEGAL DUTY TO PREVENT OR COMBAT THE FIRE; OR]

[B. THE FIRE WAS STARTED BY THE PERSON, WITH THE PERSON'S CONSENT, OR ON PROPERTY IN THE PERSON'S CUSTODY OR CONTROL.]

[9.62.110] 9.62.030 Criminal mischief in the **[THIRD] fourth** degree. A person commits the crime of criminal mischief in the **[THIRD] fourth** degree if, having no right to do so or any reasonable ground to believe the person has such a right:

A. With intent to damage property of another, the person damages property of another in and amount **[OF] less than** fifty dollars **[OR MORE BUT LESS THAN FIVE HUNDRED DOLLARS]**.

B. The person tampers with a fire protection devise in a building that is a public place.

Chapter 9.80

Curfew for **[MINORS] Juveniles**

9.80.010 Persons fifteen to **[EIGHTEEN] seventeen** years of age. It is unlawful for any person fifteen years of age and older, but under eighteen years of age to go upon or be upon any of the public street of the city between the hours of eleven p.m. of one day and six a.m. of the next succeeding day, Sunday through Thursday, and between the hour of **[ONE] 12:15** a.m. of one day and six a.m. of the same day, Saturday and Sunday, unless accompanied by and in the charge of a competent adult person.

9.80.020 Persons **[UNDER FIFTEEN] eleven to fourteen** years of age. It is unlawful for any person under the age of fifteen years to go upon or be upon any of the public streets of the city between the hours of ten p.m. of one day and six a.m. of the next succeeding day, Sunday through Thursday, and between the hours of **[TWELVE MIDNIGHT] 11:15 p.m. on Friday and Saturday** and six a.m. the following mornings, Saturday and Sunday, unless accompanied by and in the charge of a competent adult person.

9.80.030 Persons under eleven years of age. It is unlawful for any person under the age of eleven years of age to go upon or be upon any of the public streets of the between the hours of 9 p.m. of one day and six a.m. of the next succeeding day, Sunday through Thursday, and between the hours of 10 p.m. and six a.m. on Friday and Saturday and the following mornings Saturday and Sunday, unless accompanied by and in the charge of a competent adult person.

[9.80.030] 9.80.040 [INFANT] Juvenile at large. It is unlawful for any parent or other person having the custody or control of any **[INFANT] juvenile** person under the age of eighteen years, to allow such **[INFANT] juvenile** person to go or be upon any of the public streets of the city contrary to the provisions of Sections 9.80.010, **[AND] 9.80.020 and 9.80.030** and at any prosecution for the violation hereof, the presence of the **[INFANT] juvenile** person unattended upon any of the public streets as aforesaid, in violation hereof, is prima facie evidence of the guilt of the parent or other person having the custody of such **[INFANT] juvenile** person, of the violation of the provisions of this chapter.

[CHAPTER 9.82]

[OFFENSES AGAINST THE FAMILY]

[9.82.010 CONTRIBUTING TO THE DELINQUENCY OF A MINOR. A PERSON COMMITS THE CRIME OF CONTRIBUTING TO THE DELINQUENCY OF A MINOR IF, BEING NINETEEN YEARS OF AGE OLDER, THE PERSON:]

[A. AIDS, INDUCES, CAUSES, OR ENCOURAGES A CHILD UNDER EIGHTEEN YEARS OF AGE TO DO ANY ACT PROHIBITED BY STATE LAW;]

[B. AIDS, INDUCES, CAUSES, OR ENCOURAGES A CHILD UNDER EIGHTEEN YEARS OF AGE TO ENTER OR REMAIN IN THE SAME ROOM IN A BUILDING WHERE THE UNLAWFUL SALE OF A DRUG OCCURS; OR]

[C. AIDS, INDUCES, CAUSES, OR ENCOURAGES A CHILD UNDER SIXTEEN YEARS OF AGE TO BE ABSENT FROM THE CUSTODY OF A PARENT, GUARDIAN, OR CUSTODIAN OR TO BE REPEATEDLY ABSENT FROM SCHOOL, WITHOUT JUST CAUSE.]

Chapter 9.88

Discharging Firearms

9.88.010 Discharging firearms. Any person who fires any pistol, gun or rifle or other species of firearms within the city limits is guilty of a misdemeanor and shall upon conviction **or plea** thereof before the municipal magistrate be published as provided in Section **[1.16.010] 1.16.120, set by bail schedule.**

9.88.030 Hunting within city limits. It is unlawful to hunt wild game animals within the city limits by any means. **[EXCEPT AS PROVIDED IN THIS SECTION.]**

[A. WATER FOWL MAY BE HUNTED IN CRAB BAY WATER FOWL AREA DEFINED BY THE CITY COUNCIL WITH SHOTGUNS AND BIRD SHOT TYPE AMMUNITION.]