

# Title 9

## Public Peace, Morals and Welfare

### Chapters:

- 9.04 Illegal Acts
- 9.08 Prostitution
- 9.12 Gambling
- 9.16 Minors
- 9.20 Fireworks
- 9.24 Penalties

### Chapter 9.04 ILLEGAL ACTS\*

### Sections:

- 9.04.010 Occupation or business.
- 9.04.020 Profanity and disorderly conduct.
- 9.04.030 Obscene conduct.
- 9.04.040 Pointing firearms.
- 9.04.050 Discharging firearms.
- 9.04.060 Concealing weapons.
- 9.04.070 Selling switch blade knives.
- 9.04.080 Carrying loaded firearms.
- 9.04.090 Window peeping.
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- 9.04.180 Soliciting people for illegal acts.
- 9.04.190 Resist arrest or assist escape.
- 9.04.200 Stealing property.
- 9.04.210 Molesting posted notices.
- 9.04.220 Impersonate officer or magistrate.
- 9.04.230 Spitting on or littering public place.

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\* For statutory provisions regarding crimes, see generally, AS Title 11. See also AS Title 4--alcoholic beverage statutes.

- 9.04.240 Trespassing.
- 9.04.250 Fortunetelling
- 9.04.260 Disturbing the peace.

**9.04.010 Occupation or business.** No person shall and it is unlawful to engage in any illegal occupation or business. (Prior code Sec. 4.005(A))

**9.04.020 Profanity and disorderly conduct.** No person shall and it is unlawful to use any profane or obscene language in any public place or private house or place to the disturbance or annoyance of any person or persons, or shall make any loud noise or be guilty of tumultuous conduct in any public place or private house to the disturbance or annoyance of any person or persons, or be otherwise guilty of disorderly conduct, disturbance or annoyance of any person or persons, or shall be drunk in any private house or place to the annoyance of any person or persons, or shall be drunk in or upon any boat, train, passenger coach or other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, wharf or waiting room, or upon any public street, or at any public gathering , or in any hotel lobby, store, dance hall, theater, liquor dispensary or any other public place, or shall drink intoxicating liquor in or about any depot, platform, wharf or waiting room, or upon any public street, or at any public gathering, or any hotel lobby, dance hall, theater or any other public place not permitted under license to dispense intoxicating liquor. (Prior code Sec. 4.005(B))

**9.04.030 Obscene conduct.** No person shall and it is unlawful to engage in any indecent, insulting or immoral or obscene conduct in any street, alley or public place. (Prior code Sec. 4.005(C))

**9.04.040 Pointing firearms.** No person shall and it is unlawful to injure any person with or without malice by pointing any firearm at any person or discharging any firearm so pointed any aimed, or by pointing and discharging any firearm at or toward any person or object without knowing the identity of such object. (Prior code Sec. 4.005(D))

**9.04.050 Discharging firearms.** A. No person shall and it is unlawful to discharge any firearm or air rifle, or intentionally point or aim any firearm, loaded or otherwise, at any person, provided that this paragraph shall not apply to any police officer while on duty.

B. No person under the age of sixteen shall carry or transport any firearm or air rifle within the city, without adult supervision. Any person violating this section shall forfeit their firearm or air rifle to the city, in addition to any other penalties. (Ord. dated 12/30/70; prior code Sec. 4.005(E))

**9.04.060 Concealing weapons.** No person shall and it is unlawful to carry concealed about his person, in any manner whatever, any revolver, pistol or other firearm, or knife, (other than an ordinary pocket knife) or other dirk or dagger, slingshot, metal knuckles or any instrument by the use of which injury could be

inflicted upon the person or property of any other person; provided that this section shall not apply to any police officer while on duty. (Prior code Sec. 4.005(F))

**9.04.070 Selling switchblade knives.** No person shall and it is unlawful to sell, offer for sale or display any dirk, knife or knives having the appearance of a pocketknife, the blade or blades on the handle or by other mechanical means or devices. Such dirk or knife is declared to be a dangerous weapon or deadly weapon within the meaning of Section 9.04.060 above. (Prior code Sec. 4.005(G))

**9.04.080 Carrying loaded firearms.** No person shall and it is unlawful to carry any loaded firearm within the city, provided that this section shall not apply to any police officer while on duty. (Prior code Sec. 4.005(H))

**9.04.090 Window peeping.** No person shall and it is unlawful to engage in window peeping. (Prior code Sec. 4.005(I))

**9.04.100 Begging.** No person shall and it is unlawful to beg on any street or alley or public place. (Prior code Sec. 4.005(I))

**9.04.110 Vagrancy.** No person shall and it is unlawful to be found in a condition of vagrancy. All idle or dissolute persons who have no means of living, or lawful occupation or employment of which to earn a living; all able-bodied persons who shall be found begging for means of support in public places, or from house to house, or shall procure a child or children so to do; and all persons who live in houses of ill repute shall be deemed vagrants. (Prior code Sec. 4.005(K))

**9.04.120 Exposure of private parts.** No person shall and it is unlawful to willfully and lewdly expose his personal or private parts thereof in any public place, or any place where there are present other persons to be offended or annoyed thereby, or to take part in any mode artist exhibition or make any exhibition of himself to public view, or to the view of any number of persons, such as is offensive to decency, or is adapted to excite vicious or lewd thoughts or acts. (Prior code Sec. 4.005(1))

**9.04.130 Lewd books or other articles.** No person shall and it is unlawful to print, engrave, sell, offer for sale, give away, exhibit or publish or have in his possession for any such purpose, any obscene, lewd, lascivious, indecent or immodest book, pamphlet, paper, picture, cast statuary, image or representation of or other article of indecent or immoral nature, or any book, paper, print, circular or writing made up principally of pictures or stories of immodest deeds, lust or crime, or exhibit any such article within the view of any passerby. (Prior code Sec. 4.005(M))

**9.04.140 Malicious property injury.** No person shall and it is unlawful to maliciously destroy or injure any public property or any private property not his own. (Prior code Sec. 4.005(N))

**9.04.150 Enticing persons into autos.** No person shall and it is unlawful to entice or endeavor to entice a person into an automobile. (Prior code Sec. 4.)

005(O))

**9.04.160 Threaten or strike menacingly.** No person shall and it is unlawful to, not being armed with a dangerous weapon, unlawfully assault or threaten another in a menacing manner, or unlawfully strike or wound another. (Prior code Sec. 4.005(P))

**9.04.170 Attend illegal business.** No person shall and it is unlawful to attend or frequent any place in which an illegal business is permitted or conducted. (Prior code Sec. 4.005(Q))

**9.04.180 Soliciting people for illegal acts.** No person shall and it is unlawful to solicit a person for the purpose of committing any illegal act. (Prior code Sec. 4.005(R))

**9.04.190 Resist arrest or assist escape.** No person shall and it is unlawful to resist arrest by a police officer or assist a person in the custody of a police officer to escape. (Prior code Sec. 4.005(S))

**9.04.200 Stealing property.** No person shall and it is unlawful to steal, take or carry away property in an amount up to one hundred dollars. (Prior code Sec. 4.005(T))

**9.04.210 Molesting posted notices.** No person shall and it is unlawful to willfully tear down, alter or deface any posted writ or printed notice posted or put up pursuant of any law requiring or authorizing the same to be done, before the time for which such notice is given has expired. (Prior code Sec. 4.005(U))

**9.04.220 Impersonate officer or magistrate.** No person shall and it is unlawful to falsely assume to be a magistrate or peace officer and take upon himself to act as such, and require any person to assist him in any matter pertaining to the duty thereof. (Prior code Sec. 4.005(V))

**9.04.230 Spitting on or littering public place.** No person shall and it is unlawful to spit upon or otherwise mar or litter any hallway, stairway, or sidewalk or steps of any public building or public place or place of worship. (Prior code Sec. 4.005(W))

**9.04.240 Trespassing.** No person shall and it is unlawful to trespass upon any lands or premises in the lawful possession of another; or fail, neglect or refuse to depart therefrom immediately and remain away until permitted to return upon the verbal or printed or written notice of the owner or the person in possession of such lands or premises, except an officer on lawful business. (Prior code Sec. 4.005(X))

**9.04.250 Fortunetelling.** No person shall and it is unlawful to engage for hire in the practice or occupation of fortunetelling, mind reading, character reading or phrenology. (Prior code Sec. 4.005(Y))

Title 09-4

12/27/90; 3/25/05; 9/22/11

**9.04.260 Disturbing the Peace.** No person shall and it is unlawful to disturb the peace by the following acts and/or conditions:

A. Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property;

B. Making or causing to be made any unnecessary or unusual noise that either annoys, injures or endangers the comfort, repose, health or safety of the public, except as otherwise permitted in this code;

C. Using, for the purpose of attracting the attention of the public, any radio, recorded music or sound-amplifying device of any kind, the sound from which is cast directly upon a street, alley or public place. This subsection should not apply to devices officially used by governmental units. The City Manager shall have the authority, on written application to him, to permit the broadcast by use of sound amplifying devices under conditions prescribed by him;

D. Operating or using any pile driver, power shovel, pneumatic hammer or other apparatus the use of which is attended by loud or unusual noise, in conducting any building operations between the hours of 10:00 p.m. and 7:00 a.m., except by permission of the City Manager or his designee;

E. Using the city boat ramps for loading or unloading materials between the hours of 10:00 p.m. and 7:00 a.m, except by permission of the City Manager or his designee;

F. Using the city boat ramps for hauling boats out or putting them in between the hours of 10:00 p.m. and 7:00 a.m., except for emergency situations or by permission of the City Manager or his designee;

G. Operating any internal combustion engine, or noise-creating blower or power fans, unless the noise made thereby is so muffled as not to cause annoyance to the public. (Ord. 96-8)

## Chapter 9.08 Prostitution\*

### Sections:

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\* For statutory provisions regarding prostitution and related offenses, see AS Secs. 11.66.100-150.

Title 09-5

12/27/90; 3/25/05; 9/22/11

- 9.08.010 Engaging in prohibited.
- 9.08.020 Attending house prohibited.
- 9.08.030 Soliciting persons.
- 9.08.040 Harboring or permitting prostitute.
- 9.08.050 Transporting to house.
- 9.08.060 Leasing property to be used as house.

**9.08.010 Engaging in prohibited.** No persons shall engage in prostitution. (Prior code Sec. 4.010(A))

**9.08.020 Attending house prohibited.** No persons shall attend or frequent a house of ill fame or prostitution or place where prostitution or nudeness is practiced, encouraged or allowed. (Prior code Sec. 4.010(B))

**9.08.030 Soliciting persons.** No persons shall by physical motion, word, sign or in any other manner, solicit, urge, invite, compel, force or required any person to engage in illegal sexual intercourse. (Prior code Sec. 4.010(C))

**9.08.040 Harboring or permitting prostitute.** No persons shall harbor or keep about his premises any prostitute or permit her to follow a lewd course of life. (Prior code Sec. 4.010(D))

**9.08.050 Transporting to house.** No persons shall transport by automobile any person to a house of ill fame or prostitution or to a place where prostitution or lewdness is practiced, with knowledge of the nature of such house or place. (Prior code Sec. 4.010(D))

**9.08.060 Leasing property to be used as house.** No persons shall lease any property with knowledge that it is to be used as a house of ill fame or prostitution or place where prostitution is practiced. (Prior code Sec. 4.010(F))

## Chapter 9.12 Gambling\*

### Sections:

- 9.12.010 Prohibited.
- 9.12.020 Frequenting place of operation.
- 9.12.030 Possessing gambling apparatus.
- 9.12.040 Maintaining place.

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\* For statutory provisions regarding gambling prohibitions, see AS Secs. 11.66.200-280.

- 9.12.050 Permitting on premises.
- 9.12.060 Confiscation of things of value.
- 9.12.070 Exemptions.

**9.12.010 Prohibited.** No person shall receive or accept any money or thing of value with the agreement or understanding that any money or thing of value will be paid or delivered to the person where such payment or delivery is or will be contingent upon a result of any race, contest, game, mechanical device or upon the happening of any event not known by the parties to be certain. The term "thing of value" as used herein shall include everything having value, whether intrinsic or not, and shall be specifically construed to include the furnishing of amusement when the amount of the amusement furnished will be contingent upon the happening of any event not known by the parties to be certain. (Prior code Sec. 4.015(A))

**9.12.020 Frequent place of operation.** No person shall attend or frequent or invite another to attend or frequent any place where gambling is permitted or any place operated or occupied as common gambling house or room. (Prior code Sec. 4.015(B))

**9.12.030 Possessing gambling apparatus.** No person shall have in his possession any policy or pool tickets, any slips or checks or memorandum of any combination of bets, or any policy or any pool books or sheets, or policy wheel, implement, apparatus or material of gambling or lottery. (Prior code Sec. 4.015(C))

**9.12.040 Maintaining place.** No person shall maintain a gambling or lottery room, policy wheel or gaming table or any game of skill or chance, or partly of skill and partly of chance, used for gaming, or permit the same on any premises occupied or controlled by him. (Prior code Sec. 4.015(D))

**9.12.050 Permitting on premises.** No person shall permit gambling of any nature on any premises occupied or controlled by him. (Prior code Sec. 4.015(E))

**9.12.060 Confiscation of things of value.** All moneys or things of value confiscated as evidence under this section shall upon conviction of, or upon forfeiture of bail of any person or persons so charged, become the property of the city and said moneys shall forthwith be transmitted to the general fund of the city by the magistrate. (Prior code Sec. 4.015(F))

**9.12.070 Exemptions.** Exemptions to this Chapter 9.12 are the City of Seldovia or Private Non-Profit Corporations holding a permit issued by the State of Alaska for games of chance with the benefits going to the community of Seldovia as a whole. Permits for each private non-profit corporation are subject to Council approval and must be renewed annually. (Ord. 88-11, 1989)

## Chapter 9.16

## Minors\*

### Sections:

9.16.010 Tobacco sale to--Prohibited--Penalty.

9.16.020 Curfew--Imposed.

9.16.030 Curfew--Applicability.

9.16.040 Curfew--Violations and penalty.

**9.16.010 Tobacco sale to--Prohibited--Penalty.** A. It is unlawful to sell, exchange or give cigarettes, cigars or tobacco to a person under the age of eighteen years.

B. A person who violates this section is guilty of an infraction and shall be subject to the general penalty designated in Section 1.08.010 of this code. (Ord. 89-12, Ord. 74-14 Sec. 1, 1974: prior code Sec. 4.020)

**9.16.020 Curfew--Imposed.** All persons under the age of sixteen shall be off the streets between the hours of nine p.m. and six a.m. during that period from the first day of September until the last day of May, and between the hours of ten p.m. and six a.m. during that period from the last day of May until the first day of September. On Friday and Saturday nights only, the hours shall be extended to twelve midnight until six a.m. (Ord. 69-5 Sec. 1(part), 1969: prior code Sec. 4.030(part))

**9.12.030 Curfew--Applicability.** A. Section 9.16.020 shall apply to all juveniles except those engaged in legitimate errands for parent or guardian.

B. Section 9.16.020 shall not apply to juveniles attending a school function or on their way directly to or from a school function. (Ord. 69-5 Sec. 1(part), 1969: prior code Sec. 4.030(a), (b))

**9.16.040 Curfew--Violations and penalty.** A. Curfew violators shall be cited and taken before the District Court Judge or Magistrate and the penalty for the violation shall be subject to the general penalty provisions codified at Chapter 1.08.(Ord. 96-18)

B. The magistrate may elect to fine or sentence the parent of the juvenile who is a repeated violator according to the offense committed. (Ord. 69-5 Sec. 1(part), 1969: prior code Sec. 4.030(c), (d))

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\* For statutory provisions regarding sale of tobacco to minors, see AS Sec. 11.76.100.



## Chapter 9.20 Fireworks\*

### Sections:

- 9.20.010 Prohibited.
- 9.20.020 Violation--Penalty.

**9.20.010 Prohibited.** It is unlawful for any person, persons, firm or corporation to possess, sell, ignite or cause to be exploded or discharged, any fireworks, firecrackers, roman candles, torpedoes, rockets or any kind of fireworks or pyrotechnic display of any nature whatsoever, within the corporate limits of this city; provided, however, that such possession, sale or use of fireworks may be permitted on holidays and for special celebrations with the permission of and under the supervision of the Chief of Police. (Prior code Sec. 7.005)

**9.20.020 Violation--Penalty.** Penalty for the violation of this chapter shall be subject to the general penalty provisions codified at Chapter 1.08. (Ord. 74-15 Sec. 1, 1974: prior code Sec. 7.010)

## Chapter 9.24 Penalties\*\*

### Sections:

- 9.24.010 Designated.

**9.24.010 Designated.** The violations of the foregoing sections are infractions and are subject to the general penalty provisions codified at Chapter 1.08. (Ord. 81-5 Sec. 5, 1981; Ord. 74-16 Sec. 1, 1974: prior code Sec. 4.025)

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\* For statutory provisions regarding state regulation of fireworks, see AS Ch. 18.72.

\*\* For statutory provisions authorizing cities to enforce ordinances and prescribe penalties for violations, see AS Secs. 29.35.010(7) and 29.25.070.