

Title 10

PUBLIC PEACE, MORALS, AND WELFARE

Chapters:

- 10.04** False Fire Alarms
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- 10.40** Abandoned Personal Property
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- 10.48** Possession of Tobacco by a Minor

Chapter 10.04**FALSE FIRE ALARMS**

Sections:

10.04.010 Prohibited.

10.04.010 Prohibited.

It is unlawful for a person with knowledge that it is false to intentionally make, or turn in, a false alarm for fire, or to aid or to abet the commission of such act. It is unlawful for any person to tamper with the fire alarm system of the borough or any part thereof, or to be in the unauthorized possession of keys for operating fire alarm boxes. [Ord. 235 § 5, 1969; prior code § 30.20.080.]

Chapter 10.08

INTERFERENCE WITH OFFICERS

Sections:

10.08.010 Resisting arrest.

10.08.020 Failure to assist officers – Assisting prisoners.

10.08.010 Resisting arrest.

It is unlawful for any person knowingly or willfully to resist, oppose or obstruct any policeman, judge or any other officer or employee of the borough in the discharge of his official duties or by threats or otherwise to intimidate or attempt to intimidate any such officer or employee in the discharge of his official duties. [Ord. 204 § 5, 1966; prior code § 30.20.020.]

10.08.020 Failure to assist officers – Assisting prisoners.

It is unlawful for any person to refuse to assist any police officer in the discharge of his duties or to by any means aid or assist any prisoner or any person in custody upon the charge of the violation of any ordinance of the borough in his endeavor to escape from prison or custody, whether such escape is effected or not. [Ord. 204 § 5, 1966; prior code § 30.20.030.]

Chapter 10.12

ESCAPE

(Repealed by Ord. 833)

Chapter 10.16

TRESPASS ON PUBLIC FLOATS

Sections:

10.16.010 Public trespassing.

10.16.020 Persons exempt.

10.16.030 Enforcement and intent.

10.16.010 Public trespassing.

It is unlawful for any person except those classified as prescribed in WMC 10.16.020 to be upon any of the borough-maintained harbors, floats, piers and docks between the hours of 9:00 p.m. and the following 8:00 a.m. A violation shall constitute a criminal trespass against the public, and shall constitute a violation of this code, punishable as provided for in WMC 1.20.010. [Ord. 833 § 26, 2009; Ord. 335 § 5, 1975; Ord. 333 § 5, 1975; prior code § 30.20.015(a).]

10.16.020 Persons exempt.

A. The following persons and classes of persons shall be exempt from the criminal trespass provision of WMC 10.16.010:

1. Owners of vessels moored in the harbor at either of the public floats and guests of said vessel owners;
2. Persons residing in a boat moored in Wrangell Harbor whether or not owned by them;
3. Tradespeople performing maintenance or repairs on vessels while moored;
4. Fishermen and employees on a vessel moored in the harbor;
5. Any person who has received the permission of the borough harbormaster.

B. This exemption shall be limited to the above referenced persons only as to the float at which their vessel is moored, not other floats. [Ord. 833 § 27, 2009; Ord. 335 § 5, 1975; Ord. 333 § 5, 1975; prior code § 30.20.015(b).]

10.16.030 Enforcement and intent.

The intent of this chapter is to reduce the occurrence of larcenies and other crimes occurring on the public floats in Wrangell Harbor and to assist the police department with respect to law enforcement during evening hours by restricting access to the subject places to those persons having a legitimate purpose thereat. This law is not to be enforced in a discriminatory manner and its purpose is not to punish a condition or status; application of WMC 10.16.010 is intended against those who cannot give a purposeful account of themselves from the goal of enforcement, being protection of the property and person of those legitimately using the boat harbor facilities. [Ord. 335 § 5, 1975; Ord. 333 § 5, 1975; prior code § 30.20.015(c).]

Chapter 10.20

ASSAULT AND BATTERY

(Repealed by Ord. 833)

Chapter 10.24

DISORDERLY CONDUCT

(Repealed by Ord. 833)

Chapter 10.28**CURFEW FOR MINORS**

Sections:

10.28.010 Hours and conditions.

10.28.020 Persons responsible – Prima facie evidence.

10.28.010 Hours and conditions.

No person under 18 years of age shall be upon or in any street, alley, public building, place of amusement and entertainment, vacant lot or other unsupervised place between the hours of 10:00 p.m. to 5:00 a.m. Sunday through Thursday and 12:00 a.m. to 5:00 a.m. Friday and Saturday during the school term and 12:00 a.m. to 5:00 a.m. during the following school holidays: Summer vacation, Thanksgiving, Christmas and spring vacation unless such person is accompanied by their parents, guardian or with the express permission of a parent or guardian and accompanied by a person who is at least 21 years old and has authority for the control and custody of the minor under the age of 18 years old or is upon an emergency errand or legitimate business directed by his parent, guardian or other adult person having the care and custody of the minor. The starting and ending dates of the above holidays shall be set by the borough manager to conform with established school holidays. The ordinance codified in this section does not prohibit parental consent for or attendance at associational activities, such as religious or school meetings, organized dances, theater and sporting events, legitimate employment, or interstate travel when reasonable and direct travel as a result of these activities has to be made during a curfew period. Curfew hours may be suspended or altered by the borough manager to permit attendance of or participation in school, community or other group-sponsored activities by minors covered by this chapter. A request of suspension or alteration of curfew shall be at the request of the chief of police or his designee. [Ord. 670 § 5, 2000; Ord. 454 § 4, 1984; Ord. 399 § 4, 1980; Ord. 208 § 5, 1967; prior code § 44.10.010.]

10.28.020 Persons responsible – Prima facie evidence.

A. No parent, guardian or other person having custody and control of children under the age of 18 years shall allow such child to go or be upon any street or other places as listed in this chapter at the times specified in WMC 10.28.010 unless such child is accompanied by his parent or other competent and adult person or is upon an emergency errand or legitimate business directed by his parent, guardian, or other adult person having the care and custody of the minor.

B. In any prosecution for the violation of any provision of this chapter, the presence of any person under 18 years of age not attended as required in this chapter upon any of the public streets or other places as listed in this chapter shall be deemed prima facie evidence of the guilt of such parent and the violation of the provisions of this chapter. [Ord. 208 § 5, 1967; prior code § 44.10.015.]

Chapter 10.32

CARRYING WEAPONS*

Sections:

- 10.32.010 Carrying concealed weapons prohibited.
- 10.32.020 Carrying loaded firearms.
- 10.32.030 Dangerous weapons in certain premises.
- 10.32.040 State law.

10.32.010 Carrying concealed weapons prohibited.

It is unlawful for any person to carry any firearm or any deadly weapon of any kind in a concealed manner within the corporate limits of the borough. [Ord. 204 § 5, 1966; prior code § 30.20.050.]

10.32.020 Carrying loaded firearms.

It is unlawful for any person, except authorized police personnel, to carry any firearm, air rifle, air pistol, B-B gun or other projectile-propelling device which contains any cartridge, pellet, B-B, dart or other ammunition within the chamber or magazine thereof, within the corporate limits of the borough. [Ord. 215 § 5, 1968; prior code § 30.20.070.]

10.32.030 Dangerous weapons in certain premises.

A. It is unlawful to possess or carry in any manner whatever any dangerous weapon upon or within any premises licensed as a beverage dispensatory, a restaurant, cafe, or beer parlor where intoxicating liquors of any kind whatsoever are sold, dispensed, or kept for sale or to be consumed on the premises.

B. For the purposes of this section, the term “dangerous weapon” shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm.

C. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, slingshot, slungshot, pistol, revolver, rifle, shotgun; any instrument which impels a missile by compressed air, spring, or other means; any weapon upon which loaded or blank cartridges are used; any tear gas device; cross-knuckles; knuckles of any metal; bowie knife, dirk knife, dirk dagger, switchblade knife, straight-edge razor or any knife having a blade of three inches or longer.

D. This section shall not apply to law enforcement officers. [Ord. 404 § 1, 1980; Ord. 310 § 5, 1974; prior code § 30.20.120.]

10.32.040 State law.

The provisions of this chapter are not applicable to the carrying of a concealed weapon pursuant to, and in compliance with, state law. [Ord. 833 § 30, 2009.]

* For statutory provisions on misconduct involving weapons, see AS 11.61.190 – 11.61.220.

Chapter 10.36**DISCHARGE OF FIREARMS AND OTHER WEAPONS***

Sections:

10.36.010 Prohibited within certain areas.

10.36.020 Exceptions.

10.36.010 Prohibited within certain areas.

It is unlawful for any person excepting a peace officer on duty to discharge any bows, crossbows, long bows, carriage bows or similar devices, pistol, gun, rifle or any other type of firearm:

A. In the service area described in WMC 1.06.040 within one-half mile of any public street, road or highway; and

B. In the borough in violation of state law or in a manner so as to create a hazard or danger to any person, property or livestock. [Ord. 833 § 31, 2009; Ord. 548 § 6, 1989; Ord. 329 § 5, 1975; prior code § 30.20.060(a).]

10.36.020 Exceptions.

A. It is not unlawful to discharge a firearm at a rifle range, target-shooting range, trap-shooting range or other area which is posted for such purpose during daylight hours; providing, that the chief of police shall have approved the area as being safe for such purpose; and providing, that such shooting is adequately supervised and safely conducted.

B. It is not unlawful to discharge a bow, crossbow, long bow, carriage bow or other similar device on private property; provided, that the discharge is solely for target practice or enjoyment or improving skills; and provided, that the area is safe for such purpose and safely conducted. [Ord. 548 § 7, 1989; Ord. 329 § 5, 1975; prior code § 30.20.060(b).]

* For statutory provisions on misconduct involving weapons, see AS 11.61.190 – 11.61.220.

Chapter 10.40**ABANDONED PERSONAL PROPERTY**

Sections:

10.40.010 Impoundment authority.

10.40.020 Disposition of impounded personal property.

10.40.010 Impoundment authority.

The police department, or its authorized representative, is authorized to receive and impound personal property abandoned or lost within the borough. This section and the other sections of this chapter are applicable only to that personal property not otherwise regulated by the Wrangell Municipal Code, specifically abandoned vehicles and boats regulated by Chapter 11.72 WMC and WMC 14.13, respectively. Personal property impounded shall be stored in an appropriate place designated by the chief of police. A permanent record shall be made of each item or group of items impounded, and the date and location of such impoundment, together with a description of the item. [Ord. 493 § 4, 1986.]

10.40.020 Disposition of impounded personal property.

The police department is not required to search for the true owner of abandoned or lost personal property.

A. The owner of the impounded personal property may claim the same by identifying or presenting other proof of ownership to the chief of police, and upon payment of the cost of impounding and storage as set forth herein. If a person claims ownership of an item in custody of the police department and cannot conclusively establish ownership, the chief of police may use his discretion in deciding if ownership is sufficiently established. Such a decision shall be in writing. Any party wishing to dispute the decision shall have the right to appeal to the assembly within 10 days of the decision.

No cost shall be assessed or collected when impounding is accomplished by the police department with equipment and facilities normally available to the department. When it is necessary to utilize equipment from other departments of the borough or rent privately owned equipment to accomplish the impoundment, the actual cost shall be collected. When borough storage facilities are available and used, no cost for storage shall be assessed and collected. If rent of storage space is necessary to store and/or protect the property, actual cost of storage shall be collected.

B. If impounded personal property is not claimed within six months of the date of impoundment, it may be:

1. Retained for use by the borough;
2. Donated to nonprofit businesses or institutions;
3. Destroyed, if its condition or saleability does not warrant other disposition; or
4. Offered for public sale;

unless the persons who deposited it with the police department indicates at the time of deposit that they would wish the item.

If an unredeemed item is to be returned to the finder, the finder must execute an instrument agreeing to surrender the item or its apparent value to the true owner should the true owner make application for the item within two years of original deposit with the police department. All knives, firearms, and items with an apparent value of \$200.00 or more shall be approved by the borough manager or assembly prior to being released to a finder.

If an unredeemed item is offered for public sale, the chief of police shall cause to be published, in a newspaper of general circulation in the municipality, a description of the item, the minimum bid, and the fact that the item and other items similarly described will be sold at a specified time to the highest bidder at a public sale under direction of the chief of police, said public auction to occur not less than 10 days after publication of the notice of the sale. The minimum bid shall be the cost of all actual costs of

impoundment and storage fees, plus \$5.00. The proceeds from the sale of the unredeemed items shall be deposited by the director of finance in the general fund of the borough. Each purchaser shall be issued a receipt upon which shall be shown the date, amount, and description of the item.

C. An exception to this rule is bicycles. Any bicycle impounded by the police may be offered for public sale after being held for not less than 90 days, or may be donated to a charity or charitable organization for distribution to needy children. Bicycles may not be given to the finder. [Ord. 493 § 4, 1986.]

Chapter 10.44

POSSESSION, CONTROL, OR CONSUMPTION OF ALCOHOLIC BEVERAGES

Sections:

10.44.010 Possession, control or consumption of alcoholic beverages by persons under 21 years of age.

10.44.010 Possession, control or consumption of alcoholic beverages by persons under 21 years of age.

A. It shall be unlawful for any person under the age of 21 to possess, consume or be in control of any alcoholic beverages within the City and Borough of Wrangell, except those furnished to persons under AS 04.16.051(b).

B. Violation of this section is punishable as provided for in WMC 1.20.010. [Ord. 833 § 61, 2009; Ord. 675 § 5, 2000.]

Chapter 10.48**POSSESSION OF TOBACCO BY A MINOR**

Sections:

10.48.010 Possession of tobacco by a minor.

10.48.010 Possession of tobacco by a minor.

A. It shall be unlawful for any person under 19 years of age to purchase, possess or use any cigarette, pipe, cigar or other tobacco product on public property or in any public place within the corporate limits of the borough.

B. Possession of tobacco by a minor is a violation of this section and is punishable as provided for in WMC 1.20.010. [Ord. 833 § 61, 2009; Ord. 675 § 5, 2000.]

