

CITY OF VALDEZ, ALASKA

ORDINANCE NO. 17-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA AMENDING TITLE 9, CHAPTER 9.04 AND CHAPTER 9.08 OF THE VALDEZ MUNICIPAL CODE REGARDING PUBLIC PEACE AND WELFARE

WHEREAS, a fine schedule must be established in Title 9 for the purpose of compliance with the implementation of the Uniform Minor Offense Table (UMOT) and establish a mandatory court appearance for Section 9.12.040 Vagrancy.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA that the following amendments are made to Title 9 of the Valdez Municipal Code:

Section 1: Section 9.04.020, of the Valdez Municipal Code is hereby created to read as follows:

**Chapter 9.04**

**GENERAL PROVISIONS**

Sections:

9.04.010 Definitions—Conformance with state law.

9.04.020 Illegal acts generally.

**9.04.020 Fine Schedule**

**9.04.010 Definitions—Conformance with state law.**

Except as otherwise provided, the Alaska Statutes relating to the provisions of this title shall apply and are hereby incorporated by reference as though fully set forth herein.

**9.04.020 Illegal acts generally.**

A. No person shall do any of the following:

1. Solicit a person for the purpose of committing any illegal act;
2. Engage in any illegal occupation or business;

3. Attend or frequent any place in which an illegal business is permitted or conducted.

B. Voluntary intoxication is not a defense to a prosecution for an offense. Evidence of voluntary intoxication is admissible solely on the issue of whether or not the defendant actually formed a required specific intent

#### **9.04.030 Fine Schedule**

The penalty for violations of Title 9 shall be as reflected in the fine schedule set forth in this section. Court appearance is optional upon citation for a violation of those sections of Title 9 that appear in the fine schedule set out in section 1.08.030 and as reflected in the fine schedule set forth in this section.

MUNICIPAL CODE SECTION	OFFENSE DESCRIPTION	COURT APPEARANCE	PENALTY/FINE
9.08.020	False alarms prohibited	Mandatory	\$500.00 Max
9.08.020	False reports prohibited	Mandatory	\$500.00 Max
9.08.030(A)	Resisting arrest	Mandatory	\$500.00 Max
9.08.030(B)	Impersonating a police officer	Mandatory	\$500.00 Max
9.08.040	Escape from jail	Mandatory	\$500.00 Max
9.08.050	Misuse of the 911 or Emergency Call System	Mandatory	\$500.00 Max
9.12.010	Disorderly Conduct - first offense	Optional	\$50.00
9.12.010	Disorderly Conduct - second offense	Optional	\$100.00
9.12.010	Disorderly Conduct - third offense	Optional	\$200.00
9.12.010	Disorderly Conduct - fourth and subsequent	Optional	\$400.00
9.12.020	Vagrancy prohibited	Mandatory	\$500.00 Max
9.12.030	Loitering on school grounds - first offense	Optional	\$50.00
9.12.030	Loitering on school grounds - second offense B98	Optional	\$100.00
9.12.030	Loitering on school grounds - third offense	Optional	\$200.00
9.12.030	Loitering on school grounds - fourth and subsequent	Optional	\$400.00
9.12.050	Gambling prohibited	Mandatory	\$1000.00 Max
9.12.070 (A and B)	Use of fireworks outside of permitted times prohibited	Optional	\$100.00
9.12.070 (C and D)	Negligent use of fireworks or use while under influence prohibited	Optional	\$300.00
9.12.080	Invasive viewing prohibited	Mandatory	\$500.00 Max
9.12.090	Prostitution, lewdness, assignation, etc. prohibited	Mandatory	\$500.00 Max
9.12.100	Violating Conditions of Release	Mandatory	\$1000.00 Max
9.16.010	Issuing checks on insufficient funds prohibited	Mandatory	\$100.00 Min

9.16.020	Theft	Mandatory	\$100.00 Min
9.16.030	Concealment of merchandise	Mandatory	\$100.00 Min
9.20.010 (A - G)	Destruction of property, etc.	Mandatory	\$500.00 Max
9.20.010 (H - I)	Harvesting of trees without permit prohibited - first offense	Optional	\$50.00
9.20.010 (H - I)	Harvesting of trees without permit prohibited - second and subsequent	Optional	\$100.00
9.20.030	Criminal trespass	Mandatory	\$100.00 Min
9.24.010	Curfew for minors	Mandatory	\$500.00 Max
9.24.020	Possession, control, or consumption of alcohol by persons under twenty-one	Mandatory	\$500.00 Max
9.24.030	Possession of tobacco by persons under nineteen.	Mandatory	\$500.00 Max
9.24.040	Abuse of or endangering a child	Mandatory	\$500.00 Max
9.24.060	Sale of firearms to minors prohibited	Mandatory	\$500.00 Max
9.24.070	Sale of tobacco to children under nineteen years of age prohibited - first offense	Optional	\$300.00
9.24.070	Sale of tobacco to children under nineteen years of age prohibited - second offense	Optional	\$400.00
9.24.070	Sale of tobacco to children under nineteen years of age prohibited - third and subsequent	Optional	\$500.00
9.24.080	Drunkenness, improper conduct, etc. in presence of children under ten years of age	Mandatory	\$500.00 Max
9.28.010	Possession, use of controlled substances	Mandatory	\$100.00 Min
9.32.010	Discharge of firearms - first offense	Optional	\$100.00
9.32.010	Discharge of firearms - second offense	Optional	\$200.00
9.32.010	Discharge of firearms - third offense	Optional	\$100.00
9.32.010	Discharge of firearms - fourth and subsequent	Optional	\$500.00
9.32.020	Carrying loaded firearms	Mandatory	\$500.00 Max
9.32.030	Violation of restrictions on hunting prohibited	Mandatory	\$500.00 Max
9.38.030	Violation of restrictions on trapping prohibited	Mandatory	\$50.00 Min
9.38.040	Qualifications to trap	Mandatory	\$50.00 Min
9.38.050	Identification of traps required	Mandatory	\$50.00 Min
9.38.060	Registration of trap lines	Mandatory	\$50.00 Min
9.38.070	Unsafe traps prohibited	Mandatory	\$50.00 Min

Section 2: Section 9.12.020, of the Valdez Municipal Code is hereby amended to read as follows:

### **9.12.020 Vagrancy.**

It is unlawful for any person to occupy, lodge or sleep in any vacant or unoccupied barn, garage, shed, shop, washroom, or other building or structure other than such as is kept for lodging purposes, or on any lot, beach, sidewalk or other real property, or in any automobile, truck, bus, or other vehicle, without owning the same or without permission of the owner or person entitled to the possession thereof. Upon citation under this section court appearance is mandatory.

Section 3. Section 9.12.100, of the Valdez Municipal Code is hereby added to read as follows:

#### **9.12.100 Violating conditions of release.**

- A. No person shall violate conditions of release imposed by a judicial officer.
- B. AS 11.56.757 is hereby incorporated as if set forth fully herein.
- C. Violation of condition of release is punishable by a fine of up to \$1,000. Upon citation under this section court appearance is mandatory.

Section 4. This ordinance shall take effect immediately upon passage and approval by the Valdez City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF VALDEZ, ALASKA

\_\_\_\_\_  
Ruth E. Knight, Mayor

ATTEST:

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Sheri L. Pierce, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Anthony S. Guerriero, City Attorney  
Brena, Bell, & Clarkson, P.C.

First Reading:  
Second Reading:  
Adoption:  
Yeas:  
Nays:  
Absent:  
Abstain: