

CITY OF PALMER, ALASKA

ORDINANCE NO. 12

AN ORDINANCE DEFINING MISDEMEANORS IN THE CITY OF PALMER, ALASKA,
PROVIDING PUNISHMENT AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF PALMER, ALASKA AS
FOLLOWS:

SECTION 1 UNLAWFULLY POINTING FIREARMS AT ANOTHER. Whoever intentionally
and without malice, points or aims any firearms, loaded or otherwise, at any
person shall be deemed guilty of a misdemeanor.

SECTION 2 ASSAULT AND BATTERY. Any person, not being armed with a
dangerous weapon, who assaults or threatens another in a menacing manner or
who unlawfully strikes or wounds another shall be deemed guilty of a mis-
demeanor.

SECTION 3 DEFINITION OF ASSAULT. An assault is an attempt or offer,
in a rude, insolent, menacing or angry manner, unlawfully to touch, strike,
beat or wound another person, coupled with the present ability to carry such
threat into effect.

SECTION 4 DEFINITION OF BATTERY. Battery is the unlawful striking or
application of force to another.

SECTION 5 UNLAWFUL CONDUCT. Any person or persons who shall be guilty
of any violent or riotous conduct, or shall use any profane, abusive, or obscene
language in any street, house or place in the City of Palmer, whereby the peace
or quiet of said City is, or may be disturbed, or who shall be guilty of any
indecent or immoral act, practice or conduct, within the corporate limits of
said City, shall be deemed guilty of a misdemeanor.

SECTION 6 FIRING GUN OR PISTOL WITHIN CITY LIMITS. Any person or persons
who shall fire any pistol, gun or rifle or any other species of firearms, within
the corporate limits of the City of Palmer, shall be deemed guilty of a misde-
meanor. PROVIDED, that permits may be issued to gun clubs, associations or
bodies for gun or target practice within the limits of said City, when in the
opinion of the City Council same would not disturb the peace or be dangerous
to anyone within said City.

SECTION 7 RESISTING AN OFFICER, OR AIDING, ABETTING OR ASSISTING ESCAPE.
Any person or persons who shall resist any peace officer, or who shall refuse
or fail to aid any such officer in the discharge of his duties when called
upon by such officer to do so, or who shall by any means aid, abet or assist
any person in custody of a police officer charged with, or held for the viola-
tion of any ordinance of the City of Palmer, Alaska, in his endeavor to escape
from such custody, whether such escape be effected or not, shall be deemed
guilty of a misdemeanor.

SECTION 8 DEPOSITING BROKEN GLASS ON STREET, ETC. Any person or persons
who shall throw or deposit, in any street, alley or on any sidewalk or public
footpath, in the City of Palmer, any broken glass, bottles, crockery, nails,
or any other substance whatsoever, whereby the feet of horses, beasts of burden,
or any person or any tire of any vehicle may be injured or damaged thereby,
shall be deemed guilty of a misdemeanor and upon conviction thereof shall be
fined not more than one hundred dollars.

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SECTION 9 RIDING OR DRIVING ON SIDEWALK, ETC. Any person or persons who shall lead, ride or drive any horse or mule or other beast of burden on any sidewalk within the corporate limits of the City of Palmer, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars.

SECTION 10 RIDING BICYCLE ON SIDEWALK, ETC. Any person or persons who shall ride or drive any bicycle, motorcycle, or automobile, upon any sidewalk within the corporate city limits of Palmer, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars.

SECTION 11 MOVING BUILDINGS OR HEAVY OBJECTS OVER SIDEWALKS. Any person or persons who shall move any house, building or other structure or heavy object over any sidewalk or any street or alley in the City of Palmer without having first procured a permit therefor from the Common Council and having given security for damages caused thereby, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars.

See Ordinance # 29 Amended
SECTION 12 CARRYING CONCEALED WEAPONS. Any person or persons who shall carry any fire arm or deadly weapon of any kind, in a concealed manner, about his, or her person, within the corporate limits of the City of Palmer, shall be deemed guilty of a misdemeanor, PROVIDED, that peace officers shall be exempt from the provisions of this section.

SECTION 13 CRUELTY TO ANIMALS. Any person or persons who shall cruelly beat, strike, torture, misuse, deprive, unnecessarily and intentionally of food or water, or otherwise mistreat any animal or fowl, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars.

SECTION 14 GAMBLING. That each and every person who shall deal, play, or carry on, open or cause to be opened, or who shall conduct either as owner, proprietor or employee, whether for hire or not, any game of chance with cards, such as faro, monte, roulette, rouge-et-noir, lansquenet, rondo, vingt-un, (twenty-one) black jack, poker, draw poker, stud poker, brag, bluff, thaw, or any person or persons who shall play craps, or any banking or other games played with cards, dice, or any device, for any valuable thing, whether the same be for money, checks, credit, or any thing representative of value, within the corporate limits of the City of Palmer, shall be deemed guilty of a misdemeanor.

SECTION 15 DEFACING BUILDINGS ETC. Whoever shall wantonly destroy, injure, mark upon, or otherwise deface any wharf or its appurtenances, or any engine house, building, hitching post, awning, fence, railing, or any other property whatsoever, whether public or private, not his own, or who shall maliciously or wantonly kill, wound, disfigure, maim or injure any animal, the property of another, or who shall wilfully administer poison to any such animal, or who shall maliciously expose any poison with intent that the same shall be taken by any such animal, or who shall maliciously or wantonly, in any manner, or by any means not otherwise particularly specified in this section, destroy or injure any personal property, or any real property, whatsoever, of another, within the corporate limits of the City of Palmer, shall be deemed guilty of a misdemeanor.

*SECTION 16 KEEPING BAWDY HOUSE. Any person or persons who shall set up, lease, sell, open, keep, carry on, or maintain any bawdy house, house of prostitution, house of ill fame, or place of assignation, or who shall knowingly aid or assist in leasing, selling, setting up, keeping, carrying on, or maintaining of any such house or place, shall be deemed guilty of a misdemeanor, PROVIDED, that in all cases of prosecution, under this section, common fame shall be competent evidence in support of a complaint thereunder, and every house or place used for the purpose of prostitution, fornication, or lewdness, in the City of Palmer, shall be taken and deemed to be a bawdy house within the meaning of this section; and any person, residing in such house or place with the knowledge of its character, shall be presumed, in any prosecution against such house, place, person, or persons, guilty, as in this section provided.

Pasted and approved August 29, 1951.

SECTION 17 PETITE LARCENY. If any person shall steal, take, or carry away, with the purpose of converting same to his own use, any property or any goods, or chattels, or any government notes, or bank notes, promissory notes, bill of exchange, bond, or other thing in action, or any book of accounts, order of certificate concerning matters or goods, due or to become due, or to be delivered, or any deed, mortgage or writing, containing a conveyance or pledge of land, or any interest therein, or any bill of sale, or writing containing a conveyance or pledge of goods or chattels, or any interest therein, or any other valuable contract in force, or any receipt, release, defeasance, or any writ, document, paper, process, or public record, the property of another, within the corporate limits of the City of Palmer, when said goods or chattels, or other property, so stolen, taken, or carried away, do not exceed in value the sum of thirty-five (\$35.00) dollars, such person shall be deemed guilty of a misdemeanor.

SECTION 18 VAGRANCY. All persons within the corporate limits of the City of Palmer who have no visible means of living, or lawful occupation or employment, by which to earn a living, and all persons who shall be found begging the means of support; and all persons who shall habitually be idle or roam about the streets or in public places without any lawful business or occupation; and all idle or dissolute persons who live in and about houses of ill fame or place of prostitution, and all persons having no lawful occupation or business who shall be found wandering about the streets of the City of Palmer after the hour of twelve o'clock midnight, shall be deemed vagrants, and guilty of a misdemeanor.

SECTION 19 INJURY TO FRUIT TREES, FENCES, ETC. That if any person or persons shall maliciously or wantonly cut down, destroy or injure any bush, shrub, vine, plant, fruit tree, or other tree or plant, not his own standing or growing, whether the same be for fruit, ornament or other purpose, or who shall wilfully break down or destroy any fence or hedge belonging to or enclosing land not his own, or who shall wilfully throw down or open and leave open any bars, gate or fence or hedge belonging to or enclosing land not his own, or who shall maliciously or wantonly injure or destroy or sever from the land of another any garden produce, vegetables, grain or other crop thereof, shall be deemed guilty of a misdemeanor.

SECTION 20 INJURY TO MONUMENTS, ETC. If any person or persons shall wilfully deface, break down, injure, remove or destroy any monument erected or used for the purpose of designating the boundary or any line of the City of Palmer, or any lot, lots, tract or parcel of land therein; or any tree marked for that purpose; or who shall wilfully break down, injure, remove or destroy any board or post or any guide or finger board erected or placed on any highway in such City, or who shall wilfully alter, deface or obliterate the inscription on any such monument, stone, post or board in said City, or who shall wilfully extinguish any lamp, or break, injure, or destroy, or remove any lamp, lamppost, fence, sign, or sign post, or any railing or post erected on any street, highway, side-walk, pathway or passage in said City, such person shall be deemed guilty of a misdemeanor.

SECTION 21 DISTURBING RELIGIOUS MEETINGS. If any person or persons shall wilfully disturb, interrupt or annoy any assembly or congregation of people met for religious exercises or worship, whether in a church, building, or in the open air, by uttering any profane discourse, or committing any rude or indecent act, or making any unnecessary noise within the building, or at any place where such meeting is held, or so met, or who shall attempt to annoy, or interfere with the order and solemnity thereof, such person shall be deemed guilty of a misdemeanor.

SECTION 22 DISTURBING OTHER PUBLIC MEETINGS. If any person shall wilfully disturb, interrupt, annoy, or break up any public meeting, assembled for a lawful purpose, whether such meeting or assembly be held in a building or in the open air, such person shall be deemed guilty of a misdemeanor.

SECTION 23 DISORDERLY CONDUCT IN PRESENCE OF WOMEN. If any person shall be guilty of any disorderly conduct or of using any obscene or profane language in the presence of women, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars.

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SECTION 24 INDECENT EXPOSURE OR EXHIBITION. If any person shall wilfully and lewdly expose his or her person, or the private parts thereof, publicly, or in any public place, in the City of Palmer, where there are present other persons to be offended or annoyed thereby, or shall take part in any artist model exhibition, or make any other exhibition of himself or herself to public view, or in the view of a number of persons, such as is offensive to decency, or is adapted to excite vicious or lewd thoughts or actions, such person shall be deemed guilty of a misdemeanor.

SECTION 25 TEARING DOWN POSTED NOTICES. If any person shall wilfully tear down, alter, deface, or destroy, any posted, written or printed notice posted or put up in pursuance of any law or ordinance requiring or authorizing same to be done within the City of Palmer before the time for which such notice is given has expired, such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars.

SECTION 26 SELLING UNWHOLESALE PROVISIONS, ETC. If any person shall knowingly sell any kind of diseased, decayed, corrupt or unwholesale provisions of any kind, whether for meat or drink, without making the same fully known to the purchaser, such person shall be deemed guilty of a misdemeanor.

SECTION 27 ADULTERATING PROVISIONS, ETC. If any person shall adulterate for the purpose of sale, within the City of Palmer, any substance intended for food or beverage, with any substance injurious to health, or shall sell or offer for sale in said city any substance so intended, knowing the same to be so adulterated, or if any person shall adulterate in said City for the purpose of sale, any drug or medicine in such manner as to render the same injurious to health, or who shall knowingly sell or offer for sale in said City any adulterated drug or medicine injurious to health, such person shall be deemed guilty of a misdemeanor.

SECTION 28 POLLUTING WATER USED FOR DOMESTIC PURPOSES. If any person shall intentionally put or place any sewage, drainage, refuse or polluting matter of any kind whatsoever, into any well, reservoir, spring, brook, creek, branch, pond of water, or any water pipe within the City of Palmer, which, either by itself or in connection with other matter, will corrupt or impair the quality of water of such well, spring, brook, creek branch, pond, or pipe, which is used or may be used for domestic purposes in said City, shall be guilty of a misdemeanor; or if any person who puts any dead animal, carcass, part thereof, or any dead body, excrement, putrid, nauseous, decaying, deleterious or offensive matter into, or in any other manner not herein named befores, pollutes or impairs the quality of the water of any spring, reservoir, brook, creek branch, well, pond or pipe whatsoever, in said City, shall be guilty of a misdemeanor.

SECTION 29 SELLING POISON WITHOUT LABEL. If any person shall sell or deliver any arsenic, corrosive sublimate, prussic acid, or any other poison whatsoever, in the City of Palmer, without first having the word "POISON" and the true name thereof, in English written or printed upon a label attached to the vial, box or parcel containing the same, such person shall be deemed guilty of a misdemeanor.

SECTION 30 DISTURBING THE PEACE. If any person shall in any manner, not otherwise provided for in the Ordinances of the City of Palmer, Alaska, disturb the peace in any manner whatsoever in said City, or shall be guilty of any conduct or language in said City which is offensive to any person or persons, or who shall engage in an altercation or fight in any such place, unlawfully, or shall disturb the peace in any manner not particularly specified in such Ordinances, such person shall be deemed guilty of a misdemeanor.

SECTION 31 DISTURBING FUNERAL. Any person or persons who shall wilfully and unlawfully interrupt or disturb a funeral assembly or procession in the City of Palmer, shall be deemed guilty of a misdemeanor.

SECTION 32 OBSCENE LITERATURE. Whoever shall bring within the limits of the City of Palmer, for the purpose of sale, or shall sell or offer for sale, or give away, or offer to give away, or make, draw, print or post within the said City any obscene, indecent or scandalous picture, pamphlet, newspaper, journal, magazine, printed publication, slip, papers, or writing of any kind or character or any obscene, indecent, or scandalous picture, drawing, engraving, card, photograph, medal, caste, or instrument, or any article of an indecent or immoral character, shall be deemed guilty of a misdemeanor.

SECTION 33 LEWD PLAY OR EXHIBITION. Whoever shall exhibit or perform, or shall assist in exhibiting or performing any indecent, obscene or lewd play, exhibition or other representation, or shall permit the same to be performed in any building or premises owned or controlled by him, or in any other place, within the City of Palmer, shall be deemed guilty of a misdemeanor.

SECTION 34 WRITING, CUTTING OR PLACING OBSCENE WORDS OR DESIGNS IN PUBLIC PLACES. Whoever shall, in any place open to the public view, or to which the public have access, mark, write, draw, cut or make any obscene or indecent word, sentence, design or figure, within the limits of the City of Palmer, shall be deemed guilty of a misdemeanor.

SECTION 35 DRUNKENNESS. Whoever shall be drunk, or in a state of intoxication, or under the influence of liquor, within the City of Palmer, or in any private house or place therein, or in a vehicle while driving or operating the same, shall be deemed guilty of a misdemeanor.

SECTION 36 HANDLING EXPLOSIVES BY ARTIFICIAL LIGHT. Any person who shall weigh or handle any gunpowder, gun-cotton, or explosive powder of any kind, or draw kerosene, oil or handle any inflammable material in any manner which is dangerous and liable to explode, by means of fire or ignition, in any artificial light, except an electric light, within the City of Palmer, shall be deemed guilty of a misdemeanor.

SECTION 37 KEEPING GUNPOWDER, ETC. WITHIN CITY LIMITS. It shall be unlawful for any person, firm or corporation, to manufacture or keep within the limits of the City of Palmer, Giant powder, gun-cotton, or any other explosive without first having obtained from the Common Council written permission so to do; PROVIDING that such permit shall not authorize the keeping of more than fifty pounds of said substance, in any one place within the City of Palmer, any person, firm or corporation violating any provision of this section shall be deemed guilty of a misdemeanor. PROVIDED, that the Chief of Police may, and it shall be his duty to go upon or in the premises of any person, firm or corporation whom he has good reason to believe is keeping or storing explosives contrary to the provisions of this section, and to arrest all persons violating any provision thereof.

SECTION 38 INJURING SIDEWALKS. Whoever shall tear up or injure any side-walk, cross-walk, street, drain, water-pipe or sewer, without written permission of the City Council of the City of Palmer, or who shall hinder or obstruct the installing or repairing of same, or of any other public work or improvement being done in said City by authority thereof, or who ever shall obstruct any street, highway, avenue, alley, crossing, sidewalk, or other public passageway of said City without written permission of said Council, or whoever shall dig, remove, carry away, or cause or procure the same to be done, any material, wood, stone, earth, sand or gravel, from any street, alley or public material, public land or premises in said City without the permission of said City Council, shall be deemed guilty of a misdemeanor.

SECTION 39 IMPERSONATING OFFICER. Whoever shall unlawfully represent himself to be an officer of the City of Palmer, or shall without authority exercise or attempt to exercise any powers, duties or functions of any such officer, or whoever, not being a peace officer of said City, shall wear or have in his possession any policeman's or police officer's badge, with intent thereby to pass himself as a peace officer of said City, shall be deemed guilty of a misdemeanor.

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SECTION 40 BOARDING RAILWAY CAR WHILE IN MOTION. It shall be unlawful for any person to board any railway car or engine in the City of Palmer while the same is in motion. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, PROVIDED, that the provisions of this section shall not extend or apply to the employees, operatives, or officers of said railroad.

SECTION 41 KINDLING FIRE ON PUBLIC STREET OR HIGHWAY. Every person who shall, within the corporate limits of the City of Palmer, kindle, or cause to be kindled, or use, or cause to be used, any fire on any public street or alley or highway, within said City without having first secured a written permit so to do from the City Council, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars.

SECTION 42 NUISANCES. Whoever shall construct, erect, or maintain, in the City of Palmer, either as Agent or Owner, anything which is a nuisance at common law under the Statutes of the United States, or under the laws of the Territory of Alaska, or under the Ordinances of said City of Palmer, shall be deemed guilty of a misdemeanor.

SECTION 43 DEPARTING FROM QUARANTINED PREMISES. Whoever shall depart without permission from the health officer of the City of Palmer from any quarantined premises or house of any kind whatsoever, which has been quarantined under the Ordinances of the City of Palmer, shall be deemed guilty of a misdemeanor.

SECTION 44 PENALTIES. Unless otherwise herein provided, whoever violates any of the provisions of this Ordinance shall be punished by a fine not to exceed one hundred dollars (\$100.00) or by imprisonment in the municipal jail not more than thirty (30) days or both in the discretion of the magistrate.

SECTION 45 MOTOR VEHICLE SPEED LIMIT. No person shall drive a motor vehicle through the streets or alleys of the City of Palmer in ^{EXCESS} ~~access~~ of 25 mph. Any person who violates this section shall be fined not more than one hundred dollars or imprisoned for more than thirty (30) days or both such fine and imprisonment.

SECTION 46 DEFINITIONS. Prostitution means the giving or receiving of the body for sexual intercourse for hire. Lewdness means any indecent or obscene act. Assignment means the making of any appointment or engagement for prostitution or lewdness or any act in furtherance of such appointment or engagement.

SECTION 47 No person shall engage in prostitution, lewdness or assignment.

SECTION 48 No person shall solicit, induce, entice, invite, compel, force, require, or procure another to commit an act of lewdness, assignment or prostitution.

SECTION 49 No person shall maintain or operate any place, house, building, vehicle, or trailer for the purpose of prostitution or assignment.

SECTION 50 No person shall knowingly own any place, house, building, other structure, or part thereof, or vehicle or trailer used for the purpose of lewdness, assignment or prostitution, or let, lease or rent or contract to let, lease or rent any such place, premises or conveyance or part thereof, to another with knowledge or reasonable cause to believe that the intention of the lessee is to use such place, premises or conveyance for prostitution, lewdness or assignment.

SECTION 51 No person shall offer, or offer to secure, another for the purpose of prostitution, or for any other lewd or indecent act.

SECTION 52 No person shall direct, take or transport, or offer or agree to take or transport, or aid or assist in transporting, another to any house, place, building, other structure, vehicle, trailer, or to any other person with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignment.

SECTION 53 No person shall knowingly accept, receive, levy or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any women engaged in prostitution.

SECTION 54 No person shall attend or frequent, reside in, enter, or remain in any house, place, building or other structure, or enter or remain in any vehicle or trailer for the purpose of prostitution, lewdness or assignation.

SECTION 55 No person shall attend or frequent, reside in, enter, or remain in any place where prostitution, lewdness, or assignation is practiced, encouraged or allowed.

SECTION 56 In prosecutions under this section common fame shall be competent evidence in support of the complaint and testimony concerning the reputation of any place, structure, or building and of the person or persons who reside in or frequent the same and of the defendant, shall be admissible in evidence in support of the charge.

SECTION 57 PERSONAL CONDUCT. No person shall and it shall be unlawful to:

- (a) Engage in any illegal occupation or business.
- (b) Engage in any window peeping.
- (c) Beg in any street, alley or public place.
- (d) Jostle or roughly crowd people unnecessarily in any street, alley or public place.
- (e) Utter any profanity, indecent or improper language in a public place.
- (f) Accost a person or endeavor to entice him into an automobile.
- (g) Attend or frequent any place in which an illegal business is permitted or conducted.
- (h) Solicit a person for the purpose of committing any illegal act.
- (i) Sell, use or explode any fireworks, explosive or stench bomb, to which fuses are attached or which are ignitable by means of a match, without permission of the Chief of Police.
- (j) Spit upon or otherwise mar or litter any hallways, stairways, sidewalks or steps or any public building or place of worship.
- (k) Trespass upon the private property of another without his consent.
- (l) Engage for hire in the practice or occupation of fortune telling, mind reading, character reading or phrenology.
- (m) Drive a vehicle not his own without the owner's consent, without intending to steal the same.

SECTION 58 Every act prohibited by this Ordinance is hereby declared unlawful; unless another penalty is expressly provided by this Ordinance for any particular provision or section, every person convicted of a violation of any provision of this Ordinance, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than one hundred (\$100.00) dollars or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. Each act of violation and every day upon which any such violations shall occur shall constitute a separate offense.

SECTION 59 If any section, sub-section, clause, sentence, or phrase of this Ordinance is held to be invalid, the decision shall not affect the validity or the meaning of the remaining portions of this Ordinance. The Common Council of the City declares that it would have passed this Ordinance and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

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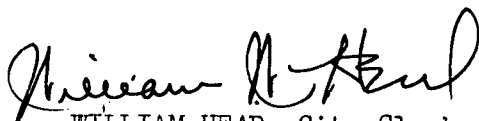
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This Ordinance shall be in full force and effect from and after the 29th day of August, 1951.

Passed by Resolution No. 17, August 29, 1951.

CARL H. MEIER, Mayor

Attest:


WILLIAM HEAD, City Clerk