

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-18

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA PROPOSING TO CLARIFY THE SITKA GENERAL CODE BY AMENDING TITLE 10 CHAPTER 10.40 GAMBLING SECTION 10.40.010 PROHIBITED AND LOITERING SECTIONS 10.76.020 DEFINITION AND 10.76.030 PROHIBITED OPERATIONS

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. **PURPOSE.** As found in Alaska Statute 29.25.050, the municipal clerk is responsible for ensuring that the municipal code is kept current. Sitka's municipal clerk sought legal analysis from Code Publishing Company for a review of the Sitka General Code for state and federal constitutional issues and apparent conflicts. These clarifying changes are derived from that review and further analysis.

Section 10.40.010 updates the 1973 gambling section into current language according to Alaska Statutes. Sections 10.76.020 and 10.76.030 on loitering are removed as the state sections referenced have been removed without replacement; thus, these sections do not appear to have foundations within current state law.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the following section of the Sitka General Code is hereby amended to read as follows:

Title 10 PUBLIC PEACE, SAFETY AND MORALS

IV. Offenses Against Public Decency 10.40 Gambling

Section

10.40.010 Prohibited.

A person who **engages in gambling** deals, plays, carries on, opens or causes to be open, or who conducts, either as owner, proprietor or employee, whether for hire or not, a game or faro, monte, roulette, rouge et noir, lansquenet, rondo, vingt-un, twenty one, poker, draw poker, brag, bluff, thaw, craps, or a banking or other game played with cards, dice, or other device, whether played for any prize, money, checks, chips, credit representing money, or other representative of value, is guilty of a misdemeanor. **Gambling means that a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the person's control or influence, upon an agreement or understanding that that person or someone else will receive something of value in the event of a certain outcome. (AS 11.66.280(2)).**

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VIII. Offenses By or Against Minors
Chapter 10.76 Loitering

10.76.020 — Definition.

~~Class I coin-operated device is an entertainment or amusement apparatus which operates by means of insertion of a coin, token, or similar object which does not involve an element of chance (AS 43.35.090), including coin-operated electronic video games, billiard, pool, foosball, or shuffleboard tables, juke boxes, and other similar amusement and gaming devices, but does not include automatic vending machines that dispense food or sundries. (15 AAC 35.040) (Ord. 84-601 § 3(c) (part), 1984.)~~

10.76.030 — Prohibited operations.

~~The following acts shall be prohibited and unlawful:~~

~~A. The operation of any class I coin-operated device by any person under the age of thirteen years unless accompanied by a parent, step-parent, legal guardian, or grandparent. It is unlawful for any person to misrepresent his or her age or the age of any other person for the purpose of gaining access to class I machines;~~

~~B. The permitting or allowing of any person under the age of thirteen years to operate any class I coin-operated device unless accompanied by a parent, step-parent, legal guardian, or grandparent, by any owner and other person having such device under their control. It is the duty and responsibility of every person having such gaming devices under their control to prevent the prohibited class of minors from operating such device;~~

~~C. For any owner operator or other person who has charge of a class I coin-operated device to fail to place a conspicuous notice on each device that operation by any person under thirteen years of age is unlawful and prohibited unless accompanied by the minor's parent, step-parent, legal guardian, or grandparent.~~

~~(Ord. 84-601 § 3(c) (part), 1984.)~~

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5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 14th day of April, 2015.


Matthew Hunter, Deputy Mayor

ATTEST:

A handwritten signature in cursive script that reads "Sara Peterson". The signature is written in black ink and is positioned above a horizontal line.

Sara Peterson, CMC
Deputy Municipal Clerk