

Introduced by: Council Member Short
Date: August 27, 2002
Public Hearing: September 24, 2002
October 8, 2002
Action: Adopted
Vote: 7 – 0

CITY OF BETHEL, ALASKA

ORDINANCE #02-28

AN ORDINANCE AMENDING CHAPTER 9.20 OF THE BETHEL MUNICIPAL CODE REGARDING OFFENSES BY OR AGAINST MINORS

WHEREAS, the City of Bethel highly values the safety and welfare of its youth sixteen seventeen years of age and younger (hereafter "youth") and has a vested interest in nurturing them and preserving their value; and

WHEREAS, the physical, psychological, and moral well-being of the City's youth is threatened by the increasing presence of crime; and

WHEREAS, these crimes often occur during the late night and early morning hours; and

WHEREAS, during these hours, youth in public places are particularly susceptible to participate in unlawful activities and are particularly vulnerable to becoming crime victims; and

WHEREAS, a curfew law is one tool to help preserve the public safety and reduce acts of violence by and against the City's youth; and

WHEREAS, AS 29.35.085 authorizes imposition of a curfew for minors by municipalities; and

WHEREAS, the City of Bethel desires to protect its youth, encourage and enforce parental control over them, protect the general public and reduce the incidence of juvenile crime; and

WHEREAS, the Bethel City Council believes that a curfew for its youth is in the best interest of the public health, safety and general welfare and will help attain the foregoing objectives.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL:

Section 1. Classification. This ordinance is permanent in nature and shall become a part of the Bethel Municipal Code.

Section 2. Amendment. Chapter 9.20 is amended by adding a new section to read:

9.20.005 Curfew - Definitions.

A. "Guardian" means a person who is legally responsible for a youth.

B. "Emergency" means an unforeseen combination of circumstances that call for immediate action including, but not necessarily limited to, a fire, natural disaster, automobile accident, life-threatening illness or accident, or any other situation requiring immediate action to prevent physical injury or loss of life.

C. "Youth" means a person who is ~~sixteen~~ seventeen years of age or younger and for whom the disabilities of minority have not been removed for general purposes under AS 09.55.590.

Section 3. Amendment. Section 9.20.010 entitled "Curfew--Hours designated" is amended to read as follows (new language is underlined and deleted language is stricken out):

9.20.010 Curfew - Hours designated.

No ~~minor under eighteen years of age~~ youth shall be upon the public streets, alleys, vacant lots, or in public buildings or places of amusement and entertainment or other unsupervised public places between the hours of ten p.m. and five a.m., Sunday evening through Friday morning, and twelve midnight and five a.m., Friday evening through Sunday morning unless: the youth's presence is excepted from the curfew in accordance with section 9.20.015

~~A. Such minor is accompanied by a parent, guardian, or other person eighteen years of age or over and authorized by the parent or by law to have care and custody of the minor;~~

~~B. Such minor is engaged in a lawful pursuit or activity which requires the minor's presence in such public place during the hours specified in this section; or~~

~~C. The minor is emancipated.~~

Section 4. Amendment. Section 9.20.015 entitled "Curfew-Exceptions" is amended to read as follows (new language is underlined and deleted language is stricken out):

9.20.015 Curfew - Exceptions.

A. It is an exception to a violation of 9.20.010 if, during curfew hours, a youth is:

1. Accompanied by his or her parent or guardian;

2. On an errand at the direction of his or her parent or guardian, without any detour or stop;

3. Involved in an emergency;

4. Engaged in an employment activity, or going to or returning from an employment activity, without detour or stop;

5. On the public right-of-way immediately abutting the youth's residence or immediately abutting the residence of a next door neighbor, if the neighbor did not complain to the Police Department about the youth's presence;

6. Attending, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Bethel, the Lower Kuskokwim District, a civic organization, or another similar entity that takes responsibility for the youth; or

7. Exercising first amendment rights protected by the United States constitution, such as free exercise of religion, freedom of speech, and the right of assembly.

Section 5. Amendment. Section 9.20.020 entitled "Curfew-Parental responsibility" is amended to read as follows:

9.20.020. Curfew-Parental responsibility.

A. ~~No parent or guardian, or other person having custody and control of minors under the age of eighteen years shall allow a youth such minor or minors to go at large or unaccompanied in the city upon any public street or other place mentioned in Section 9.20.010 during the restricted hours set forth in Section 9.20.010 unless the youth's presence in public is excepted from the curfew under Section 9.20.015. In any prosecution for the violation of a provision of Section 9.20.010 or this section, the presence of any minor or person under the age of eighteen years and unattended as required in Section 9.20.010 upon any of the public streets or other places named in Section 9.20.010 shall be deemed prima facie evidence of the guilt of such parent and the violation of the provisions of this section.~~

B. A person who violates this section is punishable by a civil fine of not more than one hundred dollars nor less than twenty-five dollars. Punishment under this subsection shall be instituted only by civil complaint or citation. An individual so cited does not have a right to trial by jury or counsel appointed by the court.

Section 6 . Effective Date. This ordinance becomes effective immediately following adoption.

ATTEST:

Hugh Short, Jr., Mayor

Janette Persinger, City Clerk