

Introduced by: City Manager Baird  
Date: November 27, 2007  
Public Hearing: December 11, 2007  
Action: Passed  
Vote: 4-3

## *CITY OF BETHEL, ALASKA*

### **Ordinance #07-28**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING PENALTIES FOR VIOLATIONS OF THE BETHEL MUNICIPAL CODE**

**WHEREAS**, when an individual is charged under the Bethel Municipal Code with a misdemeanor, they have the right to an attorney to assist them;

**WHEREAS**, if a person cannot afford an attorney, they may be provided one at the city's cost if the person meets certain income guidelines;

**WHEREAS**, the city seeks to avoid this potential expense and seeks to avoid prosecuting certain crimes as misdemeanors;

**WHEREAS**, the modification of certain crimes from misdemeanors to infractions will remove the penalty of jail time as well as eliminate the obligation of the city to provide legal assistance for persons charged under the particular provision of the Bethel Municipal Code.

**THEREFORE BE IT ORDAINED** by the City Council of Bethel, Alaska, that:

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

**SECTION 2. Amendment.** Chapter 13.12.310, 16.04.050, and 2.36.070 of the Bethel Municipal Code is amended as follows: (new language is underlined and old language is stricken out):

#### **Chapter 13.12.310 Violation – ~~Misdemeanor~~Infraction**

Any person, firm or corporation violating any of the provisions of this chapter is guilty of an ~~misdemeanor~~ infraction, and each such person, firm or corporation is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted. Each infraction of this chapter shall be subject to a maximum penalty of \$1,000.00.

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**Chapter 16.04.050 Enforcement, violations and penalties.**

B. A person who violates any provision of BMC Titles 15,16, 17 or 18 is guilty of an misdemeanor infraction and upon the first (1<sup>st</sup>) conviction for the violation is punishable by a fine of not less than ~~twenty five dollars (\$25)~~ one hundred dollars (\$100) and not more than ~~five hundred dollars (\$500)~~ one thousand dollars (\$1,000). ~~If, within twenty four (24) months of a prior conviction for a violation of a provision of BMC Titles 15, 16, 17 or 18, a person commits a violation of the same, a similar or a related provision, upon conviction, the person shall be subject to punishment by a fine of not more than one thousand dollars (\$1,000).~~ Each day that a violation continues is a separate violation.

**Chapter 2.36.070 Violations.**

It shall be an misdemeanor infraction:

A. Wilfully to obstruct, hinder or delay any member of the disaster and civil defense organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;

B. to do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such an act is of such a nature as to imperil the lives or property of inhabitants of this city, or to prevent, hinder or delay the defense or protection thereof;

C. To wear, carry or display, without authority, any means of identification specified by the disaster and civil defense agency of the state.

D. Each infraction of Bethel Municipal Code chapter 2.36 shall be subject to a maximum penalty of \$1,000.00.

**SECTION 3. Effective Date.** This chapter shall become effective upon passage by the Bethel City Council.

**ENACTED THIS 11<sup>th</sup> DAY OF DECEMBER 2007, BY A VOTE OF 4 IN FAVOR AND 3 OPPOSED.**

  
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Mary Kenick, Mayor

ATTEST:

  
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Sandra Modigh, City Clerk