Introduced by: City Council
Date June 8,1999
Public Hearing: June 22,1999
Action: Tabled
Vote: Unanimous

CITY OF BETHEL, ALASKA

ORDINANCE #99-11

AN ORDINANCE AMENDING BMC CHAPTER 9.20., OFFENSES BY OR AGAINST MINORS

WHEREAS, the City of Bethel highly values the safety and welfare of its minors and has a vested interest in nurturing them and preserving their value; and

WHEREAS, the physical, psychological, and moral well-being of our minors 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, minors 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 minors; and

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

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

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

NOW, THEREFORE, 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. Definitions.

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

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. "Minor" means a person who has not attained the age of majority as that term is defined in AS 25.20.010 and AS 25.20.020 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:

9.20.010 Curfew -- Hours designated.
No minor 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 minor's presence is excepted from the curfew in accordance with section 9.20.015.;

SECTION 4. Amendment. Section 9.20.015 entitled "Curfew-Exceptions" is amended to read as follows:

9.20.015 Curfew-Exceptions.

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

1. accompanied by his or her parent or guardian;

2. on an errand at the written direction of his or her parent or guardian, without any detour or stop (written direction must be signed, timed, and dated by the parent or guardian and must indicate the specific errand);

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 minor's residence or immediately abutting the residence of a next door neighbor, if the neighbor did not complain to the Police Department about the minor'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 School District, a civic organization, or another similar entity that takes responsibility for the minor; or

7. exercising first amendment rights protected by the United States constitution, such as the 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 shall allow a minor 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 minor's presence in public is excepted from the curfew under Section 9.20.015. 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. Amendment. Chapter 9.20 is amended by adding a new section to read

9.20.025 Curfew-Business Violation.

A. No owner, operator, or employee of a private business enterprise shall permit minors to remain on the business premises after the hours of curfew established by this chapter unless the minor's presence is excepted from the curfew under Section 9.20.015.

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.

C. It is an exception to a violation of this section that the owner, operator, or employee of a business promptly notified the Bethel Police Department that a minor was present on the premises of the business during curfew hours without being excepted from the curfew under Section 9.20.015, and refused to leave.

SECTION 7. Effective Date. This ordinance becomes effective immediately following adoption.

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Agnes L. Phillips, Mayor

ATTEST:

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Gaye J. Vaughan, City Clerk