

Introduced by: Council Member  
Robb  
Introduction Date: November 10, 2009  
Public hearing date: November 24, 2009  
Action: Passed  
Vote: 6-1

## *CITY OF BETHEL, ALASKA*

### **ORDINANCE #09-41**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING THE BETHEL MUNICIPAL CODE 9.12.080 OBSCENE ACTS**

**WHEREAS**, prohibiting use of certain language, without any other conditions, may be in violation of 1<sup>st</sup> Amendment Rights;

**WHEREAS**, the determination of profanity is subjective, difficult to establish, and may change over time;

**WHEREAS**, the current ordinance is unreasonable and unenforceable;

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

**Section 1. Classification.** This ordinance is permanent and general in nature and shall be placed in the Bethel Municipal Code.

**SECTION 2. Amendment.** Section 9.12.080 of the Bethel Municipal Code is hereby amended to read as follows (deleted language is stricken out):

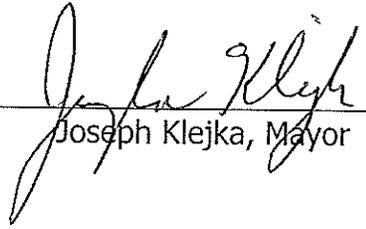
#### **9.12.080 Obscene act**

It is unlawful for any person in the city to:

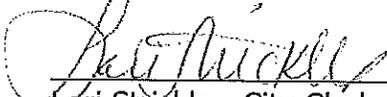
- A. Engage in any obscene conduct in any street, alley or public place;
- B. Make an obscene exhibition or exposure of his person. ;-or
- C. ~~Utter any profanity or obscene language in a public place~~

**Section 3. Effective Date.** This ordinance shall become effective immediately upon passage of this ordinance.

ENACTED THIS 24 DAY OF NOVEMBER 2009 BY A VOTE OF 0 IN FAVOR AND 0 OPPOSED.

  
\_\_\_\_\_  
Joseph Klejka, Mayor

ATTEST:

  
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Lori Strickler, City Clerk