

Introduced by: Bethel City Council
Date: July 13, 2004
Public Hearing: July 27, 2004
Action: Passed
Vote: 6-0

CITY OF BETHEL, ALASKA

ORDINANCE #04-14

AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE SECTION 8.15.020 ENTITLED "FINE SCHEDULE," TO MAKE PARENTS OR LEGAL GUARDIANS JOINTLY AND SEVERALLY LIABLE FOR ANY FINES FOR VIOLATION OF THE YOUTH HELMET REQUIREMENTS OF BETHEL MUNICIPAL CODE SECTION 8.15.010

WHEREAS, the City of Bethel passed Ordinance #04-02 on February 24, 2004, that required youth to properly wear certified protective helmets that are properly fitted while bicycling, skating, skateboarding, and riding similar vehicles,

WHEREAS these certified protective helmets have been provided free to City of Bethel youths by various public service groups, but use of certified protective helmets by youths gradually begins to taper off after the initial distribution of the helmets;

WHEREAS, to foster greater and continued use of certified protective helmets, Ordinance #04-02 imposed fines for failure of minors to properly fasten a certified protective helmet of appropriate fit, making the minors and the parents jointly responsible for the fines;

WHEREAS, the City Council has determined that imposition of the fines needs to be extended to further induce minors and their parents or legal guardians to abide by the youth helmet provisions in Bethel Municipal Code ("Code") at Section 8.15.010, and proposes this Ordinance which makes the parents or legal guardians jointly and severally liable with the minors when the youth helmet requirements in the Code at Section 8.15.010 are violated; and

WHEREAS, the City Council agrees to forgive a fine for a first time violator who fails to wear a properly fitted certified protective helmet but acquires such a helmet, or the fine for a first time violator who was not properly wearing a certified protective helmet, to serve as an incentive for minors and their parents or legal guardians to comply with the helmet requirements in the Code at Section 8.15.010.

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

SECTION 1. Classification. This ordinance is permanent in nature and shall be incorporated into the Code.

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SECTION 2. Content. Section 18.15.020 of the Code is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

8.15.020 Fines schedule.

- A. A non-emancipated minor under 18 years of age shall be jointly responsible and severally liable with the parents or legal guardians for paying a fine of \$25.00, who violates Section 8.15.010 by either not wearing a properly fitted certified protective helmet, or by not properly fastening the certified protective helmet.
- B. Any emancipated minor under 18 years of age shall be liable for paying a fine of \$25.00 who violates Section 8.15.010 by either not wearing a properly fitted certified protective helmet, or by not properly fastening the certified protective helmet.
- C. The fine shall not be more than \$25.00 if the minor fails to wear a properly fitted certified protective helmet, fails to properly fasten the certified protective helmet, or both.
- D. The fine shall be suspended for a violator issued a citation for failure to wear a properly fitted certified protective helmet in violation of Section 8.15.010, who subsequent to being issued a first citation and before the date the fine is due, provides proof to the Bethel Police Department of purchase or acquisition of a certified protective helmet that is properly fitted for the violator.
- E. The fine shall be suspended for a first time violator issued a citation for failure to properly fasten a certified protective helmet, in violation of Section 8.15.010.
- F. The fine shall not be suspended for a violator who is issued a second or any subsequent citation for failure to wear a properly fitted certified protective helmet, or for failure to properly fasten a certified protective helmet, in violation of Section 8.15.010.
- G. The fines provided for in this section shall not be enforced until forty-five (45) days after the effective date of the ordinance enacting this chapter.

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SECTION 3. Effective Date. This Ordinance shall take effect immediately upon approval by the City Council.

ENACTED THIS 27th DAY OF July 2004, by a vote of six in favor and none opposed.

ATTEST:



Hugh Short, Jr., Mayor



Selena Malone, Acting City Clerk