



CITY OF WASILLA

290 E. HERNING AVE.

WASILLA, ALASKA 99654-7091

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Code Ordinance

Requested By: Police Department
Prepared By: Police Department

ORDINANCE SERIAL NO. 94-40

AN ORDINANCE OF THE CITY OF WASILLA ESTABLISHING A CURFEW ORDINANCE AND AMENDING SECTION 1.24.010 B. (GENERAL PENALTY) FOR THE WASILLA MUNICIPAL CODE.

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

SECTION I. Classification. This ordinance is of a general and permanent nature and shall become part of the Wasilla Municipal Code.

SECTION II. Purpose. To establish Curfew Laws in the City of Wasilla, authorizing Police Officers to enforce curfew violations as described in attachment A and eliminate conflict between the penalty sections of two separate chapters of the Wasilla Municipal Code.

SECTION III. Enactment. Chapter 13.50, Curfew as shown in attachment A is hereby added to the Wasilla Municipal Code.

SECTION IV. Amendment. Section 1.24.010. B. (General Penalty) of the Wasilla Municipal Code shall be amended as follows:

B. The general penalties provided in Subsection (A) above, are not applicable to violations of W. M. C. 13.50.010 - .040, Curfew, which shall be subject to the penalty provisions set forth in WMC 13.50.040.


SECTION V. Effective Date. This ordinance shall become effective upon passage by the Wasilla City Council.

Introduction: 09/26/94

Public Hearing: 10/24/94

ADOPTED by the Council of the City of Wasilla this 24th day of October, 1994.

ATTEST:


MARJORIE D. HARRIS, CMC
City Clerk


JOHN C. STEIN
Mayor

Attachment A:

Chapter 13.50
Curfew

Sections:

13.50.010	Statement of Purposes and Objectives
13.50.020	Curfew for minors.
13.50.030	Parental Responsibility.
13.50.040	Violation / Penalty.

13.50.010 Statement of Purposes and Objectives

WHEREAS, the City of Wasilla Police Department has been in operation since July 1, 1993, creating a base of experience by which to determine the type and character of criminal activities generally occurring in the City of Wasilla as well as the types of calls being made by citizens requesting police assistance, and

WHEREAS, the nature of the juvenile criminal activity includes issues of vandalism, trespass, and theft, and

WHEREAS, an increasing portion of the requests for police assistance involving reports of juvenile crime occurring during the very late hours of the 24 hour day and the early hours of the morning, meaning approximately 11:00 p.m. through 5:00 a.m., and

WHEREAS, the incidence of juvenile runaways in the Wasilla, Alaska area substantially increased with growing community awareness of the existence of a juvenile runaway social problem, and

WHEREAS, juvenile runaways and other juveniles unattended by adult supervision are, in the late evening and early morning hours, vulnerable to victimization by criminal behavior, including unauthorized use of alcohol and controlled substances and potential sexual crimes involving the victimization of minors, and

WHEREAS, the above social problems would be more appropriately dealt with if a juvenile curfew ordinance were available for implementation by the City of Wasilla;

NOW, THEREFORE, BE IT RESOLVED, that the City of Wasilla, in the interest of promoting the public health and safety of its citizens and further to protect juveniles who are citizens of or present in the community, the following curfew ordinance is hereby adopted.

13.50.020 Curfew for Minors.

A. It is unlawful for any person 17 years of age or less to loiter, idle, wander, stroll or play upon the streets and public places in the city during the period ending at 5 a.m. and beginning:

1. At 12:00 a.m. for all minors up to and including age 17 years of age.
2. Provided, however, that during the public school term such hours shall be 11:00 p.m. through five a.m. on nights preceding school days for all minors.

B. Exceptions: In the following cases a minor, otherwise covered by the curfew, shall not be considered in violation of the curfew:

1. When accompanied by a parent, guardian or legal custodian of the minor;
2. When accompanied by an adult authorized by a parent, guardian or custodian of such minor to take such parent's, guardian's or custodian's place in accompanying said minor for a designated period of time and purpose within a specified area;

3. When 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, and those similar rights protected by the Alaska Constitution;
4. In case of reasonable necessity, but only after such minor's parent, guardian or custodian has communicated to the Chief of Police or Officer on duty the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination. A copy of such communication, or of the police record thereof, with an appropriate notation of the time it was received and of the names and addresses of such parent and minor, shall be admissible evidence;
5. When the minor is on the property of the place where such minor resides.
6. When in the process of returning home by a direct route from (and within thirty minutes of the termination of) employment, school activity, or an activity of a religious or other voluntary association, or other organized meetings.
7. When the minor is, with the consent of parent, guardian or custodian, in a motor vehicle and in compliance with the other sections of this Chapter.
8. In case of an emergency involving the health or safety of the minor or another person.

C Definitions.

1. "Street and Public Place" means public streets, sidewalks, alleys, highways, roads, playgrounds, parks and other publicly owned property.

2. Time shall be prevailing time.
3. "Loiter" shall mean remaining idle in essentially one location or to be dilatory, to tarry, to dawdle, and shall include, but not be limited to, standing around, sitting and sauntering.

13.50.030 Parental Responsibility.

No parent, guardian or other person having the custody or control of any child under the age of seventeen years shall knowingly allow such child to act contrary to the provisions of Section 13.50.010. The presence of such child unattended in places and during the hours prohibited in Section 13.50.010 shall be prima facie evidence of a violation of this section by any parent, guardian or other person having custody or control.

As used herein, the term "knowingly allow" means to permit with actual knowledge or neglect to restrain or prevent and requires actual or constructive knowledge on the part of the parent, guardian or other person.

13.50.040 Violation / Penalty.

First time offenders will be released to the control and custody of their parent or guardian with written notice that any subsequent violation(s) will result in an **infraction** violation being issued to the responsible parent with a civil fine in the amount of \$100.00.