

Introduced by: Council Member Sigmon  
Date: April 8, 2014  
Public Hearing: April 22, 2014  
Action: Passed  
Vote: 7-0

## *CITY OF BETHEL, ALASKA*

### **Ordinance #14-11**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING SECTION 9 PUBLIC PEACE, MORALS AND WELFARE**

**THEREFORE BE IT ORDAINED** by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

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

**SECTION 2. Amending BMC Title 9** The Bethel Municipal Code is amended as follows (new language is underlined and ~~old language is stricken out~~):

#### **Chapter 9**

#### **Public Peace, Morals and Welfare**

- 9.01 Minor Offenses Adopted.
- 9.02 Disturbing Official Notices.
- 9.03 Obstructing Fire Station.
- 9.04 Fireworks.
- 9.05 Offenses By or Against Minors.
- 9.06 Discharge Firearms within City Limits.

#### **Chapter 9.01**

#### **Minor Offenses Adopted**

##### Sections:

##### 9.01.010 Minor Offenses Adopted

##### 9.01.010 Minor Offenses Adopted

A. The City adopts statutes and regulations of the State of Alaska relating to minor offenses, except for minor consuming alcohol offenses, as they presently exist and as they may be revised in the future along with the fine schedule existing at the time and as it may be revised in the future.

B. The City adopts the enforcement and processing mechanisms set out in Bethel Municipal Code Chapter 10.

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~~**Chapter 9.04**~~  
~~**OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT**~~

Sections:

- ~~9.04.010 Resisting arrest.~~
- ~~9.04.020 Disturbing official notices.~~
- ~~9.04.030 Impersonating a police officer.~~
- ~~9.04.040 False fire alarms.~~
- ~~9.04.050 Injury to fire apparatus.~~
- ~~9.04.060 Driving over fire hose.~~
- ~~9.04.070 Obstructing fire station.~~
- ~~9.04.080 Following fire apparatus.~~
- ~~9.04.090 Obstructing fire personnel.~~

~~9.04.010 Resisting arrest.~~

~~It is unlawful for any person in the city to resist arrest by a police officer or to assist a person in the custody of a police officer to escape.~~

**Chapter 9.02**  
**Disturbing Official Notices**

Sections:

~~9.04.020~~ 9.02.010 Disturbing official notices.

~~9.04.020~~ 9.02.010 Disturbing official notices.

~~It is unlawful for any person in the city to interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any city officer without permission from the officer. Violation of this section is an infraction, and is subject to a three hundred (\$300) dollar fine for each individual violation.~~

~~9.04.030 Impersonating a police officer.~~

~~It is unlawful for any person in the city to impersonate a police officer or, without authority, attempt to exercise his powers.~~

~~9.04.040 False fire alarms.~~

~~It is unlawful for any person in the city to give or cause to be given any false alarm of a fire by setting fire to any combustible material, or by crying or sounding an alarm or by~~

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~~any other means without cause. No person shall maliciously turn in or cause to be turned in a false alarm.~~

~~9.04.050 Injury to fire apparatus:~~

~~It is unlawful for any person to wilfully destroy or injure any engine, hose carriage, hose, hook and ladder carriage or other thing used and kept for extinguishment of fires:~~

~~9.04.060 Driving over fire hose:~~

~~No person shall drive any vehicle over a fire hose except upon specific orders from the chief or other officer in charge.~~

### **Chapter 9.03** **Obstructing Fire Station**

Sections:

9.03.010 Obstructing fire station.

~~9.04.070~~ 9.03.010 Obstructing fire station.

No person shall park any vehicle or otherwise cause any obstruction to be placed within twenty (20) feet of the entrance to any fire station or other place where fire apparatus is stored, or within ten (10) feet of any fire hydrant. Violation of this section is an infraction and is subject to a three hundred (\$300) dollar fine for each individual violation.

~~9.04.080 Following fire apparatus:~~

~~No unauthorized person with any vehicle shall follow within six hundred (600) feet of any apparatus belonging to the department, nor park any vehicle within five hundred (500) feet of a fire.~~

~~9.04.090 Obstructing fire personnel:~~

~~No person shall interfere, obstruct or harass any member of the fire department during the execution of any duty.~~

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~~**Chapter 9.08**~~  
~~**OFFENSES AGAINST PUBLIC PEACE**~~

Sections:

- ~~9.08.010 Disorderly conduct — Public place defined.~~
- ~~9.08.020 Disorderly conduct — Designated.~~
- ~~9.08.030 Disorderly conduct — Loud noises.~~
- ~~9.08.040 Disorderly conduct — Fine.~~
- ~~9.08.050 Fireworks and explosives.~~

~~9.08.010 Disorderly conduct — Public place defined.~~

~~In BMC 9.08.020 and 9.08.030, a “public place” is a place where the public is permitted to assemble, enter or pass through, whether publicly or privately maintained, including but not limited to places of accommodation, transportation, business or entertainment, or any other place which is not a private place.~~

~~9.08.020 Disorderly conduct — Designated.~~

~~A person who does any of the following is guilty of disorderly conduct:~~

~~A. In a public place, repeatedly or continuously shouts, blows a horn, plays a musical recording or amplifying instrument, or otherwise generates loud noises intending to disturb or acting with reckless disregard for the peace and privacy of others, or, in a private place, engages in the same conduct with the same intent or reckless disregard, having been informed by another that the conduct is disturbing the peace and privacy of others not in the same place;~~

~~B. In a public place, when a criminal offense has occurred, refuses to comply with a lawful order of the police to disperse or, in a private place, refuses to comply with an order of the police to leave the premises in which he has neither right of occupancy nor the express invitation to remain of the person having the right of possession;~~

~~C. In a public or private place challenges another to fight, or engages in fighting other than in self-defense;~~

~~D. In a public or private place knowingly or recklessly creates a hazardous condition for others by an act which has no legal justification or excuse;~~

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~~E. In any public place or any place open to the public or exposed to public view solicits anyone to engage in or engages in lewd or dissolute conduct;~~

~~F. In any public place or any place open to the public accosts another person for the purpose of begging or soliciting;~~

~~G. On the private property of another, peeks in the door or windows of any inhabited building or structure located thereon without visible or lawful business with the owner or occupant thereof;~~

~~H. In any public or private place, without the permission of the owner, lodges in any building, structure, or place without the permission of the owner or person entitled to possession or control thereof.~~

~~9.08.030 Disorderly conduct — Loud noises.~~

~~In a prosecution, under BMC 9.08.020, if the loud noises constitute speech, the content of speech or evidence of specific words used by the defendant are admissible in evidence against him only as permitted by court rule. "Loud noise" in a public place means noise which is loud enough to inhibit the ability of the average person in the same place to speak freely without leaving the public place. "Loud noise" in a private place means noise which is loud enough to awaken the average person sleeping in a place other than the private place.~~

~~9.08.040 Disorderly conduct — Fine.~~

~~Upon conviction, a person who is guilty of disorderly conduct is punishable by a fine of not more than one hundred dollars (\$100). In no event shall any fine less than twenty-five dollars (\$25) be imposed and such fine shall not be suspended, nor may the punishment provided in this section be reduced under AS 11.05.150.~~

## **Chapter 9.04**

### **Fireworks**

#### **Sections:**

#### **9.04.010 Fireworks**

~~9.08.050 9.04.010 Fireworks and explosives.~~

~~A. — It is unlawful for any person in the city to sell or offer to sell dangerous fireworks for any purpose unless they are a licensed wholesaler and meet all of the requirements~~

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set out in AS 18.72 et seq. In addition, any licensed wholesaler desiring to sell fireworks within the City of Bethel, must first obtain written consent from the fire chief, the chief of police and the city manager. Violation of this section is an infraction and is subject to a one thousand (\$1,000) dollar fine for each individual violation.

~~, use or explode any fireworks, explosive or stench bomb, to which fuses are attached or which are ignitable by means of a match, without the majority decision of the chief of police, the fire chief and the city manager. In the event of an absence of the chief of police, the fire chief or the city manager, the mayor shall serve as an alternate.~~

### ***Chapter 9.12*** ***OFFENSES AGAINST PUBLIC DECENCY***

#### Sections:

- ~~9.12.010 Public drinking — Prohibited.~~
- ~~9.12.020 Public drinking — Posted area.~~
- ~~9.12.030 Public drinking — Fine.~~
- ~~9.12.040 Drinking in motor vehicle or boat.~~
- ~~9.12.050 Begging.~~
- ~~9.12.060 Enticing into automobile.~~
- ~~9.12.070 Illegal occupation.~~
- ~~9.12.080 Obscene act.~~
- ~~9.12.090 Sale of obscene material.~~

#### ~~9.12.010 Public drinking — Prohibited.~~

~~It is unlawful for any person to consume an alcoholic beverage on or along any public street, sidewalk, alley, or walkway; in any public park, mode of public transportation, cemetery, dump site, harbor, parking lot, airport or schoolyard; in any public building, or in any building held open for use by the public except for those areas in a commercial establishment reserved for limited or no use by the public or any building owned by the city held open for use by the public.~~

#### ~~9.12.020 Public drinking — Posted area.~~

~~The city manager is authorized to designate public areas and places, in addition to those specified in BMC 9.12.010, in which the consumption of alcoholic beverages is prohibited, and to cause signs to be posted in such areas or places advising members of the public of the prohibition.~~

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~~9.12.030 Public drinking— Fine.~~

~~A person who is guilty of drinking in public is punishable by a fine of not more than one hundred dollars (\$100). In no event shall any fine less than twenty dollars (\$25) be imposed and such fine shall not be suspended, nor may the punishment provided in this section be reduced under AS 11.05.150.~~

~~9.12.040 Drinking in motor vehicle or boat.~~

~~No person shall drink any alcoholic beverage in or upon any motor vehicle or boat.~~

~~9.12.050 Begging.~~

~~It is unlawful for any person in the city to beg in any street, alley or public place.~~

~~9.12.060 Enticing into automobile.~~

~~It is unlawful for any person in the city to accost or endeavor to entice a person into an automobile.~~

~~9.12.070 Illegal occupation.~~

~~It is unlawful for any person in the city to:~~

- ~~A. Engage in any illegal occupation or business;~~
- ~~B. Attend or frequent any place in which an illegal business is committed or conducted;~~
- ~~C. Solicit a person for the purpose of committing any illegal act.~~

~~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; or~~
- ~~B. Make an obscene exhibition or exposure of his person.~~

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~~9.12.090 Sale of obscene material.~~

~~It is unlawful for any person in the city to print, engrave, sell, offer for sale, give away, exhibit, publish or have in his possession for any such purpose any obscene books, pamphlets, paper, pictures, cast statuary, images or representations or other articles of an obscene nature.~~

~~**Chapter 9.16**  
**OFFENSES AGAINST PROPERTY**~~

~~Sections:~~

~~9.16.010 Vandalism of public buildings or churches.~~

~~9.16.010 Vandalism of public buildings or churches.~~

~~It is unlawful for any person in the city to deface, mar or litter any hallway, stairway, sidewalk or steps of any public building or place of worship.~~

~~**Chapter 9.20**  
**OFFENSES BY OR AGAINST MINORS**~~

~~Sections:~~

~~9.20.005 Curfew Definitions.~~

~~9.20.010 Curfew Hours designated.~~

~~9.20.015 Curfew Exceptions.~~

~~9.20.020 Curfew Parental responsibility.~~

~~9.20.025 Helmet required Parental responsibility.~~

~~9.20.030 Motion picture admittance Person defined.~~

~~9.20.040 Motion picture admittance "X" rating.~~

~~9.20.050 Motion picture admittance "R" rating.~~

~~**Chapter 9.05**  
**Offenses By or Against Minors**~~

~~Sections:~~

~~9.05.010 Curfew – Definitions.~~

~~9.05.020 Curfew – Hours Designated.~~

~~9.05.030 Curfew – Exceptions.~~

~~9.05.040 Curfew – Parental Responsibility.~~

~~9.05.050 Motion picture admittance.~~



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9.05.060 Motion picture admittance-"X" rating.  
9.05.070 Motion picture admittance- "R" rating.

~~9.20.005~~ 9.05.010 Curfew – Definitions.

As used in this chapter:

- A. "Guardian" means a person who is legally responsible for a youth.
- 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. "Youth" means a person who is seventeen (17) years of age or younger and for whom the disabilities of minority have not been removed for general purposes under AS 09.55.590.

~~9.20.010~~ 9.05.020 Curfew – Hours designated.

No youth 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 10:00 p.m. and 5:00 a.m., Sunday evening through Friday morning, and 12:00 midnight and 5:00 a.m., Friday evening through Sunday morning unless the youth's presence is excepted from the curfew in accordance with BMC ~~9.20.015~~ 9.05.030.

~~9.20.015~~ 9.05.030 Curfew – Exceptions.

It is an exception to a violation of BMC ~~9.20.010~~ 9.05.020 if, during curfew hours, a youth is:

- A. Accompanied by his or her parent or guardian.
- B. On an errand at the direction of his or her parent or guardian, without any detour or stop.
- C. Involved in an emergency.
- D. Engaged in an employment activity, or going to or returning from an employment activity, without detour or stop.
- E. On the public right-of-way immediately abutting the youth's residence or immediately abutting the residence of a next door neighbor, if the neighbor did not complain to the police department about the youth's presence.

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F. 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 youth.

G. Exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech and the right of assembly.

~~9.20.020~~ 9.05.040 Curfew – Parental responsibility.

A. No parent or guardian shall allow a youth to go at large or unaccompanied in the city upon any public street or other place mentioned in BMC ~~9.20.010~~ 9.05.020 during the restricted hours set forth in BMC ~~9.20.010~~ 9.05.020 unless the youth's presence in public is excepted from the curfew under BMC ~~9.20.015~~ 9.05.030.

B. A person who violates this section is guilty of an infraction is punishable by a civil fine of not more than two-hundred fifty one hundred dollars (\$100250) nor less than twenty-five dollars (\$25). ~~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.~~

~~9.20.025~~ Helmet required — Parental responsibility.

~~A. An unemancipated minor may not operate or be a passenger on an off-highway vehicle operated by a minor unless wearing protective head gear that complies with the standards of the United States Department of Transportation or other protective head gear standards adopted by the state.~~

~~B. A parent, guardian, or other person having the custody and control of a minor may not knowingly, negligently or recklessly authorize or permit the minor to operate or be a passenger on an off-highway vehicle in violation of subsection A of this section.~~

~~C. A parent, guardian, or other person having the custody and control of a minor may not, knowingly, negligently or recklessly fail to prevent the minor from operating or being a passenger on an off-highway vehicle in violation of subsection A of this section.~~

~~D. A person who owns, manages or controls an off-highway vehicle may not knowingly, negligently or recklessly authorize or permit a minor to operate or be a passenger on the off-highway vehicle in violation of subsection A of this section.~~

~~E. A person who owns, manages or controls an off-highway vehicle may not knowingly, negligently or recklessly permit another person, including a minor, to permit or authorize a minor to operate or be a passenger on the off-highway vehicle in violation of subsection A of this section.~~

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~~F. For purposes of this section, a minor is an individual who is under eighteen (18) years of age and who has not been emancipated; off highway vehicle includes snow machines, motorcycles, four wheelers, all terrain vehicles and similar motorized vehicles, and a sled or other device towed by an off highway vehicle.~~

~~G. A parent, guardian, or other person having the custody and control of a minor or a person who owns, manages or controls an off highway vehicle who violates any provision of this section is punishable by a civil fine of not more than one hundred dollars (\$100), but not less than twenty five dollars (\$25). Punishment for a violation of subsections B, C, D, or E of this section, may be imposed only in a civil action pursuant to a complaint or citation. A person accused of such a violation does not have a right to a trial by jury nor to a public defense.~~

~~9.20.030 9.05.050 Motion picture admittance – Person defined.~~

~~“Person” is defined, **for the purposes of BMC 9.20.040 9.06.020 and 9.20.050 9.06.030 within this section**, as any individual, owner, employee, agent, corporate officer or manager who is working as or for an exhibitor of motion pictures. **in an area during and wherein “X” rated or “R” rated motion pictures are being exhibited.**~~

~~**9.20.040 9.05.060 Motion picture admittance —“X” rating.**~~

~~**No person shall knowingly permit anyone under the age of eighteen (18) years to enter into or remain in any enclosed or open area where motion pictures are being exhibited which have been given an “X” rating according to the rating standards established by the Motion Picture Association of America.**~~

~~**9.20.050 9.05.070 Motion picture admittance —“R” rating.**~~

~~**No person shall knowingly permit anyone under the age of seventeen (17) years who is not accompanied by a parent or adult guardian to enter into or remain in any enclosed or open area where motion pictures are being exhibited which have been given an “R” rating according to the rating standards established by the Motion Picture Association of America.**~~

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## **9.05.060 Motion Picture Admittance**

Any person working as or for an exhibitor of motion pictures shall enforce the recommended age restrictions of the rating standards established by the Motion Picture Association of America.

### ***~~Chapter 9.24~~***

### ***~~WEAPONS~~***

### **Chapter 9.06**

### **Weapons**

#### Sections:

~~9.24.010~~ 9.06.010 Discharge of Firearms within City Limits—Aiming at person—  
Carrying concealed.

~~9.24.020~~ Prohibition posted—Definitions.

9.06.010 Discharge of Firearms within City Limits—Aiming at person—Carrying  
concealed.

Except as reasonably necessary to protect life or property, it is unlawful for any person in the city to:

A. ~~Discharge any firearm or air rifle in populated areas within the City limits except in areas designated by the city manager~~ designated shooting ranges.

B. ~~Intentionally point or aim a firearm, air rifle, or other dangerous weapon, loaded or otherwise at any person; or~~

C. ~~Carry a firearm, air rifle or a deadly weapon in any restricted access area of municipal government buildings.~~

~~9.24.020 Prohibition posted—Definitions.~~

A. ~~All restricted access areas of municipal government buildings in which the possession of firearms is prohibited shall have posted the notice of prohibition against possession of firearms at each entrance.~~

B. For purposes of this chapter:

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1. "Firearms" includes firearms, or any other element relating to firearms or parts thereof including ammunition and reloading components.

~~2. "Restricted access area" means the area beyond a secure point where visitors are screened and does not include common areas of ingress and egress open to the general public.~~

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

**ENACTED THIS 22 DAY OF APRIL 2014, BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.**

  
\_\_\_\_\_  
Joseph A. Klejka, Mayor

ATTEST:

  
\_\_\_\_\_  
Lori Strickler, City Clerk