

ORDINANCE NO.536

AN ORDINANCE ENACTING A CURFEW DURING HURRICANE SALLY.

WHEREAS, On September 14, 2020, Governor Ivey issued a State of Alabama Proclamation declaring a State of Emergency due to Hurricane Sally; and,

WHEREAS, the storm is expected to hit sometime Wednesday September 16, 2020 near the Mobile area and may cause substantial wind and water damage; and

WHEREAS, realizing that this damage could be widespread find that the only way to provide for the safety and welfare of the citizens of the City of Satsuma, Alabama is for the City Council to enact, through its police powers, a temporary curfew to protect the citizens of this City; and

WHEREAS, the City Council of the City of Satsuma, Alabama, wishes to empower the Mayor to enact a temporary curfew during and after the storm, should he find it necessary for the safety and welfare of the citizens of Satsuma.

IT IS HEREBY ORDAINED AND DECREED BY THE CITY COUNCIL OF THE CITY OF SATSUMA, ALABAMA, AS FOLLOWS:

SECTION 1. It is hereby established and declared by the City Council of the City of Satsuma, Alabama that in order to protect and promote the health, safety and general welfare of the citizens of the City of Satsuma, the Mayor has the authority to enact a temporary curfew during and after the landfall of Hurricane Sally..

SECTION 2. The curfew is hereby established for the time periods prescribed in this section. Beginning at 10:00 P.M. September 15, 2020 and ending at 6:00 AM on September, 18, 2020 unless it is determined by the Mayor that said ordinance needs to be extended due to the aftermath of Hurricane Sally.

SECTION 3. Exceptions. The provision of this ordinance shall not apply in the following instances:

- a) When the citizen is upon an emergency errand.
- b) When the citizen is going to or returning directly home from lawful employment that makes it necessary to be in such place during the proscribed period of time.
- c) When the citizen is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly or free exercise of religion.

SECTION 4. Police Procedures:

- a) Any police officer, upon finding a citizen suspected of being in violation of Section 2, shall question the citizen, under constitutional safeguards, to determine the relevant facts as to violation of curfew
- b) If a police officer determines the minor is in violation of curfew, and the minor is a resident of Satsuma, the police officer shall make contact with the minor's parents immediately and then proceed to escort the minor to their place of residency. Written notice shall be given to the parent that any subsequent violation with the minor will result in a ticket being issued to the parent.
- c) If the parent cannot be contacted or the minor is not a resident of the City of Satsuma, the police officer shall deliver the minor to the Satsuma Police Department along with the proper paper work. The officer shall continue to contact the parent. If unsuccessful, the officer shall send notification via certified mail to the parent informing them of the violation (warning ticket).

SECTION 5. Penalties for Offenses/Violations of this Ordinance:

- a) First Offense—Court appearance and a \$100.00 fine;
- b) Second Offense—Court appearance and up to a \$500.00 fine; and
- c) Third Offense and Beyond—Court appearance, up to \$500.00 fine, and/or a parent or custodian shall face imprisonment in the city jail, workhouse, or house of corrections or at hard labor upon the streets and public works for not exceeding six (6) months.

ADOPTED AND APPROVED THIS 15th DAY OF September, 2020.

/s/ Tom Williams

Mayor

ATTEST: /s/ Vicki Miller

City Clerk

