

ORDINANCE NO. 537

**AN ORDINANCE ENACTING A CURFEW FOR ALL YOUTH UNDER THE AGE OF 19 DURING SATSUMA HIGH SCHOOL HOMECOMING EVENTS.**

WHEREAS, the City of Satsuma, Alabama has knowledge that in some year's past, there have been large groups of young people gathering on both public and private property during the Satsuma High School Homecoming events which will occur from September 19, 2020 through September 26, 2020 ; and,

WHEREAS, said groups have been the subject of numerous complaints and there is the risk of potential violence between minors and other minors and/or between minors and adults during said period of time; and

WHEREAS, realizing that said situations should not be allowed to escalate and 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, not wishing to enact a year-round curfew, wishes to empower the Mayor to enact a temporary curfew for the specified period as stated Section 2.

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 the Satsuma High School Homecoming Week.

**SECTION 2.** A temporary curfew is hereby established for the time periods prescribed in this section. Individuals under the age of 19 ("minors") shall retire from Satsuma public places and establishments beginning at 12:00 A.M. on September 20, 2020 and ending at 6:00 AM on September, 27, 2020. Said temporary curfew is declared to begin each day at 12:00 A.M and end the following morning at 6:00 AM.

**SECTION 3.** Additional Offenses of this Ordinance:

- a) It shall be unlawful for a parent or custodian to knowingly permit a minor to violate this ordinance. A parent or custodian for purposes of this ordinance means a natural person having legal custody of a minor, including, a minor's natural or adoptive parent, legal guardian,

custodian pursuant to court order, or a person who stands in loco parentis;

- b)** It shall be unlawful for an operator, establishment, or establishment's agents or employees to knowingly permit a minor to remain in or upon the premises during curfew hours, unless:
  - i)** the minor is in the employment of such operator or the establishment; or
  - ii)** the minor is on the premises as a result of a school function such as, but not limited to, a classroom project or field trip.

**SECTION 4.** Exceptions. The provision of this ordinance shall not apply in the following instances:

- a)** When the minor is accompanied by his or her parents.
- b)** When the minor is upon an emergency errand directed by his or her parents.
- c)** When the minor 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.
- d)** When the minor 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.
- e)** When the minor is in a motor vehicle with parental consent for normal travel. (Interstate and intrastate travel through the city is accepted in all cases from the curfew).

**SECTION 5.** Police Procedures:

- a)** Any police officer, upon finding a minor suspected of being in violation of Section 2, shall question the minor, under constitutional safeguards, to determine the relevant facts as to name, age, address and the reason for the minor's presence. In the absence of convincing evidence, such as a birth certificate of driver's license, a police officer shall use his or her best judgment in determining age.

- b) If a police officer determines the minor is in violation of curfew, the police officer shall take the minor to the police department and contact the minor's parents to immediately come for the minor. 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, 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 4.** 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 19th DAY OF September\_, 2020.

/s/ Tom Williams  
Mayor

ATTEST: /s/ Vicki Miller  
City Clerk