

Presented By:
City Manager

Action Taken:
Yes ___
No ___
Abstain ___

**CITY OF NOME
ORDINANCE NO. O-23-12-01**

**AN ORDINANCE AMENDING CHAPTER 13.15.010 TO MODIFY HOURS OF
CURFEW AND TO CLARIFY CERTAIN DEFENSES**

WHEREAS, Nome has experienced a need to enforce its minor curfew and to review and update the ordinance to ensure it is tailored to reduce juvenile crime while recognizing the rights of minors; and

WHEREAS, the Nome Police Department has noted an increase in juvenile delinquency fueled by late-night activity; in particular the City finds there has been an increase in burglary, assault, and arson by juvenile offenders; and

WHEREAS, there have been 30 citations written for minors consuming alcohol as of October 17, 2023; and,

WHEREAS, there have been 15 assaults involving juvenile suspects 17 years of age and younger in 2023, an increase from 11 in 2022 and 14 in 2021; and,

WHEREAS, 3 sexual assaults reported in 2023 have involved juvenile suspects; and,

WHEREAS, there are no businesses in Nome open past 11:00 p.m. which are open to minors or where minors have any lawful business; and

WHEREAS, The Council believes a rigorously enforced curfew between 11:30 PM and 6:00 AM on each day, year-round, is best tailored to the above problem of juvenile crime and to protect juveniles from harm; and

WHEREAS, simplifying the curfew will make it easier to understand and easier to enforce;

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOME:

Section 1. Classification. This is a Code ordinance.

Section 2. Amendment of Section 13.15.010. Section 13.15.010 of the Code of Ordinances of Nome, Alaska is hereby amended to read as follows [deletions are ~~overstruck~~ and new language is underlined]:

13.15.010 Minors—Curfew.

(a) Definitions. In this section:

“Curfew hours” mean:

(A) ~~Ten p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until six a.m. of the following day~~ 11:30 p.m. – 6:00 a.m. nightly, year-round except for Midnight Sun weekend. ; and

(B) ~~12:01 a.m. until six a.m. on any Saturday or Sunday and any weeknight preceding a non-school day.~~

“Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

“Establishment” means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

“Guardian” means:

(A) A person who, under court order, is the guardian of the person of a minor; or

(B) A public or private agency with whom a minor has been placed by a court.

“Minor” means any person under eighteen years of age; unless that person is married or has had the disabilities of minority removed in accordance with AS 09.55.590 or its succeeding statutory provisions.

“Operator” means any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

“Parent” means a person who is:

(A) A natural parent, adoptive parent, or step-parent of another person; or

(B) At least eighteen years of age and authorized by a parent or guardian to have the care and custody of a minor.

“Public place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

“Remain” means to

(A) Linger or stay; or

(B) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

“Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(b) Violations.

(1) A minor is guilty of an infraction if he or she is present or remains in any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor is guilty of an infraction if he or she knowingly permits, or by insufficient control allows, the minor to be present or remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator, or any employee of an establishment is guilty of an infraction if he or she knowingly allows a minor to be present or remain upon the premises of the establishment during curfew hours.

(c) Defenses ~~and Exceptions~~.

(1) It is a defense to a violation under subsection (b) of this section that the minor was:

(A) Accompanied by the minor’s parent or guardian;

(B) On an lawful errand at the direction of the minor’s parent or guardian, without any detour or stop;

(C) ~~In a motor vehicle involved in interstate travel;~~ Completing a course of travel from another area into the City of Nome to the minor’s lodging, accommodations, or home, without any detour or stop;

(D) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(E) Involved in an emergency;

(F) Attending an official school, religious, or recreational activity supervised by adults and sponsored by the city of Nome, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or recreational activity supervised by adults and sponsored by the city of Nome, a civic organization, or another similar entity that takes responsibility for that minor;

(G) Exercising First Amendment rights protected by the Alaska or United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;

~~(H) Married or had disabilities of minority removed in accordance with AS 09.55.540 or its succeeding statutory provisions.~~

(2) It is an exception to a violation under subsection (b)(3) of this section that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(d) Penalties. A person who violates subsection (b) of this section shall be guilty of an infraction punishable by a fine as set forth in NCO Section 1.20.040, plus any surcharge required to be imposed by AS 12.55.039.

Section 3. Effective Date. This ordinance is effective upon passage.

APPROVED and **SIGNED** the 11th day of December, 2023.

JOHN K. HANDELAND
Mayor

ATTEST:

JEREMY JACOBSON
Deputy Clerk