

ORDINANCE NO. 2020-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA, AMENDING CHAPTER 20, ARTICLE IV OF THE BLACKWELL MUNICIPAL CODE 2019 BY THE AMENDMENT TO SECTION 20-105 ENTITLED "CURFEW"; AMENDING THE TIMES WITHIN WHICH MINORS CAN BE OUTSIDE OF THEIR RESIDENCES; PROVIDING FOR REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; SUNSET CLAUSE; PENALTY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA:

WHEREAS, the current curfew ordinance prescribed the times minors can be outside their place of residence;

WHEREAS, as of April 2, 2020, twenty-four (24) persons in Kay County are confirmed positive and are being treated for COVID 19 and one person has died;

WHEREAS, this ordinance shall continue for so long as the Emergency Proclamation is in full force and effect.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA, THAT THIS ORDINANCE IS ADOPTED TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY OF BLACKWELL, OKLAHOMA:

Section I: Chapter 20, Article IV, Section 20-105 of the Blackwell Municipal Code 2019 is hereby amended to read as follows:

Sec. 20-105. Curfew.

- (a) No minor under the age of 16 years shall loiter, idle or congregate in or on any public street, highway, alley, park or place open to the public between the hours of ~~11:00~~ 9:00 p.m. and 6:00 a.m.
- (b) No minor over the age of 16 years shall loiter, idle or congregate in or on any public street, highway, alley, park or place open to the public between the hours of ~~11:00~~ 9:00 p.m. and 6:00 a.m. on weekdays or between the hours of ~~1:00 a.m.~~ 9:00 p.m. and 6:00 a.m. on weekends.
- (c) The provisions of subsections (a) or (b) of this section do not apply:

- (1) When the minor is accompanied by the minor's parent or guardian;
 - (2) Until the hour of 9:00 p.m. and after that time not until 6:00 a.m., ~~W~~when the minor is on an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (3) When the minor is in a motor vehicle involved in interstate travel;
 - (4) When the minor is engaged in an employment activity directly related to an Essential Business, or going to or returning home from an employment activity directly related to an Essential Business, without any detour or stop;
 - (5) When the minor is involved in an emergency;
 - (6) When the minor is on the sidewalk abutting the minor's residence ~~or abutting the residence of a next door neighbor or of the residence that the minor is visiting with the permission of his parent or guardian and the neighbor did not complain to the police department about the minor's presence;~~
 - (7) ~~Reserved. When the minor is attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, 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 other recreational activity supervised by adults and sponsored by the city a civic organization, or another similar entity that takes responsibility for the minor;~~
 - (8) When the minor is 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; or
 - (9) When the minor is married or had been married or had disabilities of minority removed in accordance with law.
- (d) It shall be unlawful for any parent, guardian or other person having custody of a minor to suffer or permit or by inefficient control to allow such minor to violate this section. It shall be unlawful for any person operating or having charge of any public place to knowingly suffer a permit a minor to violate this section on such public place.
- (e) Any police officer upon finding a minor in violation of this section shall ascertain the name and address of such minor and warn the minor that he is in violation of the curfew and shall direct the minor to proceed at once to his home or usual place of abode. The police officer shall report such action to the juvenile officer of the police department, who, in turn, shall notify the parent, guardian or person having control of such minor. If any such minor refuses to heed such warning or direction by the police officer or refuses to give such police officer his correct name and address, or if the minor has been warned on a previous occasion that he is in violation of the curfew, he shall be taken to the police department and the parent, guardian or person having control of such minor shall be noticed to come and take charge of the minor. If the parent, guardian or other adult person above cannot be located or fails to come and take charge of the minor, the minor shall be released to the juvenile authorities.

- (f) Any minor violating the provisions of this section shall be dealt with in accordance with the juvenile court laws and procedures. Any parent, guardian or other adult having the care and custody of the minor violating this section shall, after having been previously notified under subsection (e) of this section, and any owner, operator or employee of any public place violating this section shall be guilty of a class C offense.

Section II. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section III. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV. CODIFICATION. This ordinance shall be codified as herein provided.

Section V. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Council of the City of Blackwell that this section of the Blackwell Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section VI. SUNSET CLAUSE. The amendment made to this ordinance shall only be in effect so long as the Emergency Proclamation related to COVID 19 Pandemic is in full force and effect.

Section VII. PENALTY. The penalty provided under the current order by the Blackwell Municipal Code 2019 is readopted as if set out herein.

Section VIII. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the City and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect in order to provide amendments to the curfew ordinance during the COVID 19 PANDEMIC ; By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

Approved and executed this 2nd day of April 2020.

THE CITY OF BLACKWELL, OKLAHOMA




T. J. Greenfield, Mayor



(Seal)

ATTEST:



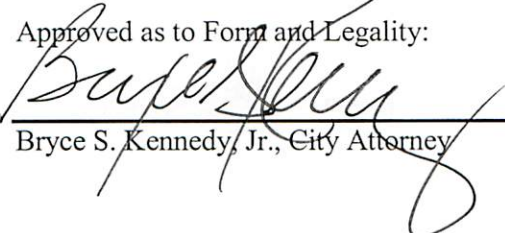
Traci Hanebrink, City Clerk

Approved as to Content:



Janet Smith, City Manager

Approved as to Form and Legality:



Bryce S. Kennedy, Jr., City Attorney