

ORDINANCE NO. 2179

ORDINANCE REPEALING DEFUNCT CRIMINAL LAWS

[ORDINANCE REPEALING SELAH MUNICIPAL CODE (SMC) CHAPTER 6.26,
ENTITLED "PARENTAL RESPONSIBILITY FOR JUVENILES"; AND PROVIDING FOR
AN EFFECTIVE DATE]

WHEREAS, there are still-on-the-books laws in the City, as part of the City's criminal laws, that establish a nightly curfew for persons of minor age and that impose potential monetary fines upon any parent who allows a child to violate such curfew; and

WHEREAS, the City desires to formally repeal those defunct laws, in order to promote future clarity and to reduce clutter; and

WHEREAS, one such defunct law is Selah Municipal Code (SMC) Chapter 6.26, entitled "Parental Responsibility for Juveniles", which in full currently reads as follows:

6.26.010 Title.

This chapter shall be known as the "parental responsibility law."

6.26.020 Definitions.

For the purpose of this chapter, the following words shall have the following meanings:

- (1) "Child" means any unemancipated person, male or female, under the age of eighteen years.
- (2) "Parent" means the mother, father, foster mother, foster father, stepmother, stepfather, or both being referred to in the singular as "parent," guardian or other adult having the legal care, custody or control of a child.

6.26.030 General provisions.

No parent shall allow his or her child to remain in, on, or occupy any area of the public streets, roads, alleys, parks, playgrounds, any other public grounds, places of amusement, places of entertainment, commercial establishments or any unsupervised area between the hours of twelve midnight and five a.m., except as allowed under this chapter.

6.26.040 Exemptions.

A parent of the following children shall be exempt from the enforcement provisions of this chapter:

- (1) A child accompanied by his parent;
- (2) A child engaged in lawful employment;
- (3) A child on an errand or on legitimate business pursuant to instructions from his parent;
- (4) A child involved in an emergency concerning the person or property of himself or another;
- (5) A child returning home from school- or church-sponsored activities, or from other activities supervised by an adult. The term "returning home" means immediately and directly after participation in such activity, without a broken chain of sequences and time between the end of such event and the time such child returns to his or her residence or such other place as shall be authorized by his or her parent.

6.26.050 Authority to enforce.

Law enforcement officers of the city shall have authority to reasonably stop and momentarily detain a child to obtain his or her name, age and address, as well as the name and address of his or her parent whenever said law enforcement officer shall reasonably suspect that the parent of such child is in violation of Section 6.26.030. Upon determining that the parent of such child is in fact in violation of Section 6.26.030 and not exempt under Section 6.26.040, the law enforcement officer shall direct or deliver the child to the residence of his or her parent.

6.26.060 Violation – Penalty.

Upon a parent's first violation, notice thereof shall be given to the parent. Upon a second violation, a summons shall be served on the parent and a hearing shall be held before the city municipal court, at which time the parent shall appear and answer to the charge of violating this chapter. Upon a determination by the judge that a second violation has occurred, a fine of not less than twenty-five dollars nor more than three hundred dollars shall be imposed upon the parent. Upon a third or subsequent violation involving the same child, the parent shall be subject to a fine of not less than fifty dollars nor more than three hundred dollars.

; and

WHEREAS, a second such defunct law is the entirety of prior Ordinance Number 978 from the year 1966, which created said SMC Chapter 6.26; and

WHEREAS, as previously stated above and repeated here for clarity, the City desires to repeal each and all of the above-quoted and above-mentioned defunct laws;


NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. Repeal of Defunct Criminal Laws. The following laws that are still on the books are recognized as being defunct and, thus, are hereby repealed:

- a. SMC Chapter 6.26. The entirety of SMC Chapter 6.26, entitled "Parental Responsibility for Juveniles".
- b. Ordinance No. 978. The entirety of Ordinance Number 978.

Section 2. Effective Date and Summary Publication. The instant Ordinance shall take effect and be in full force five days after a summary publication of the Ordinance is published in the City's official newspaper.

PASSED by the City Council of the City of Selah this 8th day of November, 2022.




Sherry Raymond, Mayor

ATTEST:



Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:



Rob Case, City Attorney