AN ORDINANCE of the City Council of the City of Kent, Washington, adopting and enacting Initiative Petition 101, adding a new Chapter 9.07 to Title 9 of the Kent City Code entitled "Juvenile Safety and Family Reconciliation", defining duties and responsibilities of parents/guardians as well as juveniles; and providing for penalties for violations thereof.

WHEREAS, a Citizens' Initiative Petition Number 101 was filed with the City Clerk on January 23, 1995, and has been certified as sufficient pursuant to RCW 35A.11.100; and

WHEREAS, pursuant to RCW 35.17.260 and KCC 1.03.170, following certification of the petition, the City Council shall pass the proposed ordinance without alteration within twenty (20) days or cause to be called a special election on the proposed ordinance; NOW, THEREFORE,
THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Sections 1 and 2 of Initiative Petition 101 as set forth in Exhibit A attached hereto and incorporated by reference, adding a new chapter, Chapter 9.07 to Title 9 of the Kent City Code, entitled "Juvenile Safety and Family Reconciliation", is hereby adopted and enacted as an ordinance of the City of Kent.

SECTION 2. Pursuant to the limitations established by RCW 35.17.340 pertaining to the adoption of ordinances initiated by petition, this ordinance cannot be repealed except by a vote of the people.

SECTION 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.
SECTION 4. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

__________________________
ROGER A. LUBOVICH, CITY ATTORNEY

PASSED _________ day of ______________________, 1995.
APPROVED _________ day of ______________________, 1995.
PUBLISHED _________ day of ______________________, 1995.
I hereby certify that this is a true copy of Ordinance No. _____, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

____________________________
(SEAL)

BRENDA JACOBER, CITY CLERK
INITIATIVE 101

Let's give our law enforcement personnel a tool in their battle against youth violent crime.

OFFICIAL BALLOT TITLE:
Shall an ordinance be adopted establishing a curfew which provides that no juvenile shall remain, nor shall any parent, guardian or custodian allow or permit a juvenile to remain, in or upon any public place within the City of Kent during curfew hours, and which further establishes certain exemptions and provides for civil penalties?

INITIATIVE PETITION FOR SUBMISSION TO THE CITY COUNCIL OF KENT, WASHINGTON

To the City Clerk of the City of Kent, Washington: We, the undersigned registered voters of the City of Kent, Washington, respectfully direct that this petition and the proposed ordinance known as Initiative Measure Number 101 and entitled "Juvenile Safety and Family Reconciliation Ordinance," a full, true, and correct copy of which is attached to this petition, be transmitted to the City Council of the City of Kent, Washington, and we respectfully petition the City Council to enact said proposed ordinance into law; furthermore, if the City Council fails to enact this ordinance it be submitted to a vote of the people at a regular or special election to be held on a date and in the manner required by the Revised Code of Washington; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the City of Kent, Washington, my residence address is correctly stated, and I have knowingly signed this petition only once.

MAIL COMPLETED PETITIONS TO:
C.L.A.M.P.
Citizens Lobby Against More Politics
524 W. Meeker, Suite 6 • Kent, WA 98032
(206) 852-5007 or (206) 859-2847

WARNING: Any person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

CITY OF KENT INITIATIVE TO THE PEOPLE. CITY OF KENT VOTERS SIGN BELOW:

<table>
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<th>Petitioner's Signature</th>
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ENTIRE TEXT OF THIS INITIATIVE APPEARS ON THE BACK OF THIS PETITION
AN ORDINANCE of the City of Kent, Washington, adding a new Chapter 9.07 to Title 9 of the Kent City Code entitled "Juvenile Safety and Family Reconciliation," defining duties and responsibilities of parents/guardians as well as juveniles; and providing for penalties for violations thereof.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF KENT, WASHINGTON:

SEC. 1. FINDINGS AND INTENT. The people of the City of Kent, Washington, find and declare that:

1) The City of Kent is facing a mounting crisis caused by juvenile crime and delinquency which threatens peaceful citizens, residents, visitors and juveniles themselves;

2) While preventative measures such as intervention, counseling, and the like are important, they are only one facet of what must become a multi-faceted approach to crime reduction; we must also focus on positive measures;

3) Due to their lack of maturity, experience and knowledge, juveniles are frequently unable to make critical decisions and exercise good judgment, and therefore should not be afforded the full spectrum of rights and constitutional guarantees afforded to adults;

4) In recognition of 3) above, both the State of Washington and the federal government have enacted legislation limiting numerous and specific rights, prior to the attainment of the age of content;

5) Juveniles are particularly vulnerable and therefore any juvenile who, without legitimate purpose or adult supervision, is found to be in any public or semi-public place during the curfew hours, is hereby deemed and assumed to be in danger of physical harm.

SEC. 2. There is hereby added to Title 9 of the Kent City Code, Section 9.07 entitled "Juvenile Safety and Family Reconciliation" as follows:

SECTION 9.07.010. SHORT TITLE. This ordinance shall be known and may be cited as the "Juvenile Safety and Family Reconciliation Ordinance."

SECTION 9.07.020. PURPOSE. The purpose of this chapter is:

A. To protect juveniles and other citizens, residents or visitors of the City of Kent from the dangers of crimes which occur during the late night and early morning hours;

B. To decrease the amount of criminal activity engaged in by juveniles;

C. To provide law enforcement personnel a procedure through which they may take preventative action prior to the occurrence of a crime; and the creation of a section;

D. To promote and enhance parental control over juveniles.

SECTION 9.07.030. DEFINITIONS. A. "Custodian" means any person at least 18 years of age and authorized by a parent or guardian to have the care and custody of a juvenile.

B. "Curfew Hours" means 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

C. "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.

D. "Guardian" means an individual, other than a parent, who, under court order, is the guardian of the person of a juvenile.

E. "Juvenile" means any unemancipated person, male or female, under the age of 18 years.

F. "Parent" means the mother, father, or both (both being referred to in the singular as "parent"), being a natural parent, adoptive parent, or step-parent.

G. "Public Place" means any place to which the public or a substantial group of the public have access and includes, but is not limited to, streets, highways, sidewalks and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, commercial establishments, and churches.

H. "Remains" means to linger or stay; or to fail to leave the premises or area when requested to do so by a police officer or the property owner, occupant or other person responsible for a public place.

SECTION 9.07.040. GENERAL PROHIBITION. No parent, guardian or custodian shall allow or permit, by insufficient control, any juvenile for whom he or she is responsible to remain in or upon a public place within the City of Kent during curfew hours; and no juvenile shall remain in or upon any public place within the City of Kent during curfew hours.

SECTION 9.07.050. EXEMPTIONS. It shall not be deemed an offense under this chapter if any of the following conditions are met:

A. The juvenile is accompanied by a parent, guardian, or custodian;

B. The juvenile is attending or going to or returning home from, directly without any detour, an official school, religious, or a recreational activity, including, but not limited to, dances, theater presentations, and sporting events, provided such activity is supervised by adults and sponsored by the City of Kent, a school district, a civic organization or other entity that takes responsibility for the juvenile;

C. The juvenile is on an errand or legitimate business trip to the written instructions of his or her parent, guardian or custodian, traveling directly without detour or stop;

D. The juvenile is engaged in lawful employment or traveling to or from such place of employment, directly without detour or stop;

E. The juvenile is in a motor vehicle and engaged in interstate travel with the written consent of said juvenile's parent, guardian or custodian;

F. The juvenile is on the sidewalk abating the juvenile's residence or abating the residence of a next door neighbor, providing the neighbor has not complained to the police department about the juvenile's presence or conduct;

G. The juvenile is involved in an emergency.

SECTION 9.07.060. ENFORCEMENT. A. Law enforcement officers of the City may approach, detain, and question a juvenile suspected of violating the provisions of this chapter to obtain his or her name, address and age as well as the name and address of said juvenile's parent or guardian.

B. Should said juvenile fail to cooperate, or refuse to provide the information requested by the law enforcement officers, said juvenile may be taken into custody pursuant to the provisions of RCW 13.35.050. An officer taking a juvenile into custody shall in the juvenile of the reason for such custody and shall deliver, or arrange to deliver, the juvenile either to:

1. The juvenile's parent, guardian, or custodian;

2. The police department;

3. An appropriate facility of the Department of Social and Health Services.

C. Upon determination that a violation of the provisions of Section 9.07.040 of this chapter has occurred and that no defense under Section 9.07.050 is present, the law enforcement officer shall file a report with the police department at which time a notice of infraction shall be sent to the parent or guardian of the juvenile.

SECTION 9.07.070. VIOLATIONS - PENALTY. A. A violation of the provisions of Section 9.07.040 is designated as a civil infraction. The Kent Municipal Court shall have jurisdiction over all civil infractions issued under this chapter. Civil infractions shall be issued and processed in accordance with Chapter 7.80 RCW, which is incorporated herein by reference.

B. Any person who receives a notice of infraction shall respond within fifteen (15) days of the notice in the manner prescribed in RCW 7.80.080. Pursuant to RCW 7.80.080(1), if any person issued a notice of infraction fails to respond to the notice, or fails to appear at a hearing requested, the court shall enter an appropriate order assessing the monetary penalty prescribed for the civil infraction.

C. A person found to have committed an infraction shall be assessed a monetary penalty according to the following scale:

1. First offense, not to exceed $50.00.

2. Second offense, not to exceed $150.00.

3. Third, and subsequent offenses, not to exceed $500.00.

D. In lieu of payment of the monetary penalty assessed herein, any person receiving a notice of infraction may elect to perform community service at a rate of one hour for each $5.00 assessed penalty. Said community service may be performed by the juvenile, parent, guardian or any combination thereof. Community service shall consist of those projects implemented and supervised by the Director of Parks, through the City of Kent Parks and Recreation Department. In such case, the payment of the penalty shall be deferred pending completion of the community service.

E. Pursuant to the provisions of RCW 7.80.160, a person who fails to sign a notice of infraction or willfully violates his or her written promise to respond to a notice of civil infraction is guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars ($1,000.00) and/ or imprisonment not exceeding ninety (90) days.

F. All proceedings under this ordinance, except for Subsection E above, shall be civil in nature.

SECTION 9.07.080. REPORTING TO POLICE DEPARTMENT. Any parent or guardian unable to control the whereabouts and activities of a juvenile in their care, custody or control shall contact the Kent Police Department and report such juvenile as possibly pertaining in locusam and at times that would violate this chapter. In such case, the parent or guardian shall not be responsible for the actions of the juvenile for the purposes of this chapter. In such case, the police department may consider reporting said juvenile to the Department of Social and Health Services as a dependent or runaway child.

SEC. 3. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SEC. 4. EFFECTIVE DATE. Pursuant to Chapter 10.03.230 of the Kent City Code, this ordinance shall become effective immediately upon passage by a majority of votes cast by the electors of the City of Kent.