

RESOLUTION NO. 2020-082

RESOLUTION DECLARING CURFEW

WHEREAS, recent national events have resulted in outrage and protest regarding the treatment of African American citizens; and

WHEREAS, most of those protests have been peaceful but many have resulted in violence and destruction in many cities across the country; and,

WHEREAS, on May 31, 2020, following peaceful events in downtown Birmingham, crowds destroyed, damaged, defaced, and set fire to numerous buildings, businesses, automobiles and structures in the central business district of City of Birmingham, throwing bricks, breaking windows, and causing harm to property and to person; and

WHEREAS, in response to the civil unrest, the City of Birmingham implemented a mandatory curfew on June 1, 2020 until further notice as a result of the threat to public safety and health posed by activities such as those that occurred on the evening of May 31st;

WHEREAS, authority is granted to the City by Alabama Code Section 31-9-10 to implement a public safety curfew to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state under the conditions stated therein;

WHEREAS, the City Council of Mountain Brook finds that implementation of a curfew with appropriate restrictions is necessary to protect the public peace, health, safety and to preserve the lives and property of those who live, work, and visit the City of Mountain Brook.

NOW, THEREFORE, BE IT RESOLVED as follows by the City Council of the City of Mountain Brook:

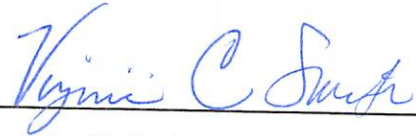
1. Pursuant to state law and due to the civil unrest and destruction occurring in the City of Birmingham on the night of May 31, 2020, the continuing threat of further rioting in surrounding communities such as the City, and the danger of such unrest to the lives, safety, health, welfare and the property of the people of the City, a public safety curfew shall be implemented in the City beginning June 1, 2020 and continuing in effect until further notice.

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2. Beginning at 7:00 p.m. on June 1, 2020, no person shall between the hours of 7:00 p.m. and 6:00 a.m. each day while this curfew is in effect:
 - a. Hold or participate in any demonstration, parade, march, or vigil, on any of the public ways or upon any public property; and
 - b. Travel upon any public street, alley, or roadway or upon any other public property, except those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof; those traveling through the City from one location outside of the City to another location outside the City; those returning to one's place of residence or place of employment; or as necessary to comply with legally mandated government purposes, or an order of law enforcement or a court; or those attending school related events or activities.
3. These restrictions shall apply within the corporate limits of the City of Mountain Brook.
4. These restrictions shall not apply to such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the citizens, including City law enforcement officers, firefighters and other public employees; doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations.
5. It shall be unlawful for any person to violate any provisions of this resolution.
6. If any part, section or subdivision of this resolution shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this resolution, which shall continue in full force and effect notwithstanding such holding.

This resolution shall become effective immediately upon its approval, adoption, and publication as provided by law.

ADOPTED: This 1st day of June, 2020.



Virginia C. Smith, Council President

APPROVED: This 1st day of June, 2020.



Stewart Welch, Mayor

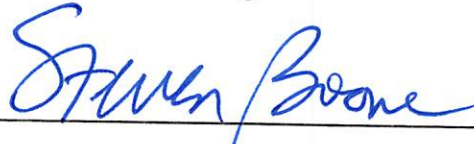
Attest:



Steve Boone, City Clerk

CERTIFICATION

I, Steve Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on June 1, 2020, as same appears in the minutes or record of said meeting.



Steve Boone, City Clerk