

AN ORDINANCE ADOPTING A NEW SECTION 13 REGARDING CURFEW FOR MINORS OF THE VILLAGE OF CENTERTOWN, MISSOURI, AND PRESCRIBING PROCEDURES RELATING THERETO.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CENTERTOWN, MISSOURI, AS FOLLOWS:

Section 1: The Code of Ordinances of the Village of Centertown, Missouri, is hereby amended by the addition of one new Section 13 establishing procedures and requirements for a curfew for minors, to read as follows:

13.00. Purpose and scope

The purpose of this section is to: (1) promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the Village; (2) promote the safety and well-being of the Village's youngest citizens, persons under the age of seventeen (17), whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities and to being victimized by older perpetrators of crime; and (3) foster and strengthen parental responsibility for minors. The provisions of this ordinance shall apply to all persons under the age of seventeen found within the Village limits, and to the parents or guardians thereof.

13.05. Definitions

As used within this Section, the following words and phrases shall have the meanings ascribed to them below:

(A) Curfew hours. The hours of ¹⁰~~11~~ p.m. to 6 a.m. of the following day on Sunday through Thursday; and ~~12 midnight~~ ^{11 p.m.} to 6 a.m. of the following day on Friday and Saturday.

(B) Emergency. Unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, motor vehicle accidents, or other similar circumstances.

(C) Enforcement officer. Any officer as designated by the Board of Trustees of the Village and charged with the duty of enforcing the ordinances of the Village of Centertown.

(D) Establishment. Any privately-owned place of business within the Village operated for a profit, to which the public is invited, including, but not limited to any place of amusement or entertainment.

(E) Minor. Any person under seventeen (17) years of age *except* those who have been emancipated by court order pursuant to Chapter 452, Revised Statutes of Missouri (2006), as amended.

(F) Operator. With respect to any establishment, any individual, firm, association, partnership, limited liability company or corporation .

(G) Parent. Any of the following:

1. A person who is a minor's biological or adoptive parent and who has legal custody of a minor, including either parent if custody is shared under a court order or agreement;
2. A person who is the biological or adoptive parent with whom a minor regularly resides;
3. A person judicially appointed as a legal guardian of the minor; or
4. A person eighteen (18) years of age or older standing *in loco parentis*, as authorized by an individual listed in subparts 1 - 3 of this subdivision for such person to assume the care or physical custody of the minor, or as indicated by other circumstances.

(H) Person. An individual human, NOT any association, limited liability company, corporation or other legal entity.

(I) Public place. Any place to which the public or a substantial group of the public has access, including, but not limited to: streets, highways, road, sidewalks, alleys, avenues, parks, vacant lots or the common areas of apartment houses, office buildings and shops.

(J) Remain. Any of the following actions:

1. To linger or stay at or upon a place; or
2. To fail to leave a place when requested to do so by an officer or by the owner, operator or other person in control of that place.

13.10. Certain acts of minors prohibited

(A) No minor shall be allowed, during curfew hours, to loiter, idle, wander, stroll, drive, or play in or upon any public place, establishment, vacant lot or other unsupervised place; or ride or remain in any motor vehicle, whether in operation or parked, unless:

1. The minor is accompanied by a parent;
2. The minor is involved in an emergency;
3. The minor is engaged in an employment activity or is going to or returning home from such activity without detour or stop;
4. The minor is on the sidewalk, street or alley directly abutting a place where he or she resides with a parent;
5. The minor is attending an activity sponsored by a school, religious or civic organization, a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and the minor is going to or returning from such activity without detour or stop;
6. The minor is involved in interstate travel though, or beginning or terminating in the Village of Centertown; or
7. The minor is on an errand at the direction of a parent and the minor has in his or her possession a writing signed by the parent containing the following information:
 - a. Name, address, telephone number and signature of the parent authorizing the errand;
 - b. Telephone number where the parent may be reached during the errand;
 - c. Name of the minor;
 - d. Brief description of the errand;
 - e. The minor's destination; and
 - f. The hours the minor is authorized to be engaged in the errand.

(B) No minor shall give a false name, address, or telephone number to any enforcement officer investigating a possible violation of this Section.

(C) No minor shall refuse the direction of the enforcement officer enforcing the provisions of this Section.

(D) Each violation of the provisions of this subdivision shall be deemed a separate offense.

13.15. Certain acts of parents and others prohibited

(A) Parents. It shall be unlawful for a minor’s parent to knowingly permit, allow or encourage such minor to violate subsection 13.10 of this Section.

(B) Motor vehicle owners / operators. It shall be unlawful for a person who is the owner or operator or any motor vehicle to knowingly encourage, permit or allow a violation of subsection 13.10 of this Section.

(C) Establishment operators / employees. It shall be unlawful for the operator of any establishment or other public place, or for any person who is an employee thereof, to knowingly permit, allow or encourage a minor to remain upon the premises thereof during curfew hours. It shall be a defense to prosecution under this subdivision that the operator or employee promptly notified law enforcement or a city official that a minor was present at the establishment or public place and refused to leave.

(D) Other. It shall be unlawful for any person described in this subsection to give a false name, address, or telephone number to any officer investigating a possible violation of this Section.

(E) Each violation of the provisions of this subdivision shall be deemed a separate offense.

13.20. Enforcement – Minor violators

(A) Before taking any enforcement action hereunder, an enforcement officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of a minor in a motor vehicle, public place or establishment within the Village during curfew hours is in violation of subsection 13.10.

(B) If such investigation reveals a likelihood that the presence of such minor is in violation of 13.10, then the following provisions will apply:

1. For the first violation: The enforcement officer shall determine the name and address of the minor and warn the minor that s/he is in violation of the Village curfew and shall direct the minor to desist immediately from such violation and proceed at once to his/her home or usual place of abode. A record of such violation shall be made with the enforcement agency and the Village clerk. The Village clerk shall as soon as practicable, but within three (3) business days of said violation, mail a written notification of the violation to the minor and his or her parents detailing the date, time and nature of the violation; and that any second violation may involve notifying the juvenile authorities of Cole County.
2. For the second violation: The violator shall be transported home and the juvenile authorities may be notified of the violation in writing. A record of such violation shall be made with the enforcement agency and the Village clerk. The Village clerk shall, as soon as practicable, but within three (3) business days of said violation, mail a written notification of the violation to the minor and his or her parent detailing the date, time and nature of the violation, including that it is the minor's second violation, whether the juvenile authorities have been notified of the minor's violation, and that any subsequent offense may result in transport to the juvenile facility for Cole County for further action.
3. The violator shall be taken to the juvenile facility for Cole County upon authorization from the on-call county juvenile officer and be held for parent or court for any of the following:
 - a. For a third violation of the curfew established herein;
 - b. If the minor refuses to obey the directions of the enforcement officer; or
 - c. If the minor refuses to give his or her name and address, or the name and address of his or her parent, or gives a false name, address, or telephone number to any enforcement officer investigating a possible violation of this Section.
4. The minor shall be released to the juvenile authorities at the juvenile facility for Cole County to be dealt with in accordance with the juvenile law and procedure for any of the following:
 - a. For a fourth or subsequent violation of the curfew established herein; or

b. If the parent of the minor cannot be located or fails to come and take charge of the minor when requested to do so prior to the end of the applicable curfew hours.

(C) Optional method for release of minors. The enforcement officer may elect to take a violator to the minor's home or regular place of abode and release the minor there, even if the parent is not available, if the minor is old enough to normally be left alone.

13.20. Enforcement – Other violators – Penalties

If an investigation by an enforcement officer reveals that a parent, motor vehicle owner or operator, or establishment operator or employee has violated subsection 13.15 of this Section, then,

1. If the parent, motor vehicle owner or operator, or establishment operator or employee has not previously been issued a warning with respect to any such violation, such officer shall issue a verbal warning to the person and record such violation with the enforcement agency and with the Village clerk. The Village clerk shall as soon as practicable, but within three (3) business days of said violation, mail a written notification of the violation to such parent, motor vehicle owner or operator, or establishment operator or employee, detailing the date, time and nature of the violation, and indicating that future violation may result in a penalty as described herein.
2. If, after receiving written notice of the first violation by a minor, a parent knowingly permits a minor child (not necessarily the same minor child) to again violate the provisions of subsection 13.10 of this Section, such parent shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00);
3. If, after being previously warned in writing about permitting a minor to violate the provisions of subsection 13.10 of this Section, such motor vehicle owner or operator, or establishment operator or employee knowingly permits any minor (not necessarily the same minor) to again violate the provisions of subsection 13.10 of this Section, such motor vehicle owner or operator, or establishment operator or employee shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).
4. For repeat violations of subdivision (D) of subsection 13.15 of this Section, the violator shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).

Section 2: This ordinance shall be in full force and effect upon final passage and approval.

FIRST READING HELD: August 8, 2006.

SECOND READING HELD AND FINAL PASSAGE ON THIS 8th DAY OF August, 2006 BY THE FOLLOWING VOTE:

	<u>Aye</u>	<u>Nay</u>
John Doyle	<u>X</u>	_____
Kenneth Farris	<u>X</u>	_____
Doug Heineman	<u>X</u>	_____
Curtis B. Holzer	<u>X</u>	_____
William McClure	<u>X</u>	_____

Douglas Heineman
Chairman, Board of Trustees

Attest:

Douglas Heineman
Village Clerk