

ORDINANCE 158

A CURFEW ORDINANCE REGULATING THE PRESENCE AND CONDUCT OF MINORS ON STREETS AND OTHER PUBLIC PLACES; DEFINING DUTIES OF PARENTS OR OTHERS IN CARE OF MINORS; PROVIDING FOR DETENTION AND PENALTY FOR VIOLATIONS.

WHEREAS, JUVENILE DELINQUENCY AND OTHER CRIMINAL OFFENSES PERPETRATED BY MINORS HAVE INCREASED IN THE JURISDICTION; AND

WHEREAS, THERE HAS BEEN AN INCREASE OF ABUSE AND DAMAGE TO PARKS, PUBLIC PLACES AND PUBIC AND PRIVATE PROPERTY WITHIN THE JURISDICTION; AND

WHEREAS, THERE IS NEED FOR GOVERNING THE CONDUCT OF MINORS FOR THE PURPOSE OF ALLEVIATING THE PROBLEM OF JUVENILE DELINQUENCY, INCLUDING EXCESSIVE DAMAGES TO PROPERTY AND CONSUMPTION OF INTOXICANTS AND CONTROLLED SUBSTANCES BY MINORS AND ALLEVIATING THE PROBLEM OF JUVENILE DELINQUENCY, DISORDERLY CONDUCT, HARASSMENT AND ASSAULT; AND

WHEREAS, IT IS IN THE PUBLIC INTEREST TO REDUCE NOISES AND DISTURBANCES AT LATE HOURS, AND TO PREVENT RECKLESS AND NOISY OPERATION OF MOTOR VEHICLES AT LATE HOURS;

NOW THEREFORE, BE IT ORDAINED:

SECTION 1: DEFINITIONS. FOR THE PURPOSE OR THIS ORDINANCE THE FOLLOWING TERM, PHRASES AND WORDS SHALL HAVE THE MEANING GIVEN HEREIN.

(A) "MINOR" IS A PERSON UNDER THE AGE OF EIGHTEEN (18) YEARS; (6) "PARENT" IS THE NATURAL OR ADOPTIVE PARENT OF A MINOR;

(C) "GUARDIAN" IS ANY PERSON OTHER THAN A PARENT, WHO HAS LEGAL GUARDIANSHIP OF A MINOR;

(D) "CUSTODIAN" IS A PERSON OVER THE AGE OF EIGHTEEN (18) YEARS

(E) "PUBLIC PLACE" SHALL MEAN ANY STREET, ALLEY, HIGHWAY, SIDEWALK, PARK, PLAYGROUND OR PLACE TO WHICH THE GENERAL PUBLIC HAS ACCESS AND A RIGHT TO RESORT FOR BUSINESS, ENTERTAINMENT OR OTHER LAWFUL PURPOSE. PUBLIC PLACE SHALL INCLUDE BUT NOT BE LIMITED TO ANY STORE, SHOP, RESTAURANT, TAVERN, BOWLING ALLEY, CAFE, THEATER, DRUGSTORE, POOL HALL, SHOPPING CENTER OR ANY OTHER PLACE DEVOTED TO AMUSEMENT OR ENTERTAINMENT FOR THE GENERAL PUBLIC. IT SHALL ALSO INCLUDE PARKING AREAS IMMEDIATELY IN THE AREA OF SUCH PLACES.

(F) "LOITERING" OR "LOITER" SHALL MEAN REMAINING IDLE IN ESSENTIALLY ONE LOCATION, TO BE DILATORY, TO TARRY, TO DAWDLE, AND SHALL INCLUDE BUT NOT BE LIMITED TO STANDING AROUND, HANGING OUT, SITTING, KNEELING, SAUNTERING, PROWLING, STROLLING, WANDERING OR TO BE IDLE. "LOITERING SHALL BE PRESUMED AND INVESTIGATED IF INDIVIDUALS ARE OBSERVED AT OR NEAR THE SAME LOCATION FOR A PERIOD OF MORE THAN 20 MINUTES.

(G) "CRUISING" MEANS TO TRAVEL ABOUT IN A MOTOR VEHICLE OR OTHER MEANS OF TRANSPORTATION WITHOUT THE INTENTION OF TRAVELING BY A DIRECT ROUTE TO A SPECIFIC AND PREVIOUSLY DETERMINED DESTINATION. "CRUISING" SHALL BE PRESUMED TO BE OCCURRING AND SHALL BE INVESTIGATED IF A VEHICLE OR OTHER MODE OF TRANSPORTATION IS SEEN TWICE PASSING THE SAME LOCATION WITHIN A PERIOD OF 20 MINUTES OR IS OBSERVED FOLLOWING A ROUTE OTHER THAN THE MOST DIRECT BETWEEN TWO LOCATIONS. IT SHALL BE UNLAWFUL FOR ANY MINORS TO LOITER OR CRUISE IN ANY PUBLIC PLACE IN THE JURISDICTION BETWEEN THE HOURS OF 10:00 P.M. AND 4:00 A.M. SUNDAY THROUGH THURSDAY AND BETWEEN THE HOURS OF 12:01 A.M. AND 4:00 A.M. FRIDAY THROUGH SATURDAY UNLESS CONTROL OF SUCH MINOR OR UNLESS THE MINOR IS ON AN EMERGENCY ERRAND OR SPECIFIC BUSINESS OR ACTIVITY DIRECTED OR PERMITTED BY HIS/HER PARENT, GUARDIAN OR OTHER ADULT PERSON HAVING THE CARE AND CUSTODY OF THE MINOR OR WHERE THE PRESENCE OF SUCH MINOR IS CONNECTED WITH OR REQUESTED BY SAME LEGITIMATE EMPLOYMENT, TRADE, PROFESSION OR OCCUPATION.

SECTION 2: CURFEW FOR MINORS

IT SHALL BE UNLAWFUL FOR ANY MINORS TO LOITER OR CRUISE IN ANY PUBLIC PLACE IN THE JURISDICTION BETWEEN THE HOURS OF 10:00 P.M. AND 4:00 A.M. SUNDAY THROUGH THURSDAY AND BETWEEN THE HOURS OF 12:01 A.M. AND 4:00 A.M. FRIDAY THROUGH SUNDAY UNLESS ACCOMPANIED BY A PARENT, GUARDIAN, CUSTODIAN, OR OTHER ADULT PERSON HAVING CUSTODY OR CONTROL OF SUCH MINOR OR UNLESS THE MINOR IS ON AN EMERGENCY ERRAND OR SPECIFIC BUSINESS OR ACTIVITY DIRECTED OR PERMITTED BY HIS/HER PARENT, GUARDIAN OR OTHER ADULT PERSON HAVING THE CARE AND CUSTODY OF THE MINOR OR WHERE THE PRESENCE OF SUCH MINOR IS CONNECTED WITH OR REQUESTED BY SOME LEGITIMATE EMPLOYMENT, TRADE, PROFESSION OR OCCUPATION.

SECTION 3: RESPONSIBILITY OF OWNER OF PUBLIC PLACES.

IT SHALL BE UNLAWFUL FOR ANY PERSON, FIRM OR CORPORATION OPERATING OR HAVING CHARGE OR ANY PUBLIC PLACE TO KNOWINGLY PERMIT OR SUFFER THE PRESENCE OF MINORS UNDER THE AGE OF 18 BETWEEN THE HOURS OF 10:00 P.M. AND 4:00 A.M. SUNDAY THROUGH THURSDAY AND BETWEEN THE HOURS OF 10:00 P.M. AND 4:00 A.M. SUNDAY THROUGH THURSDAY AND BETWEEN THE HOURS OF 12:01 A.M. AND 4:00 A.M. FRIDAY THROUGH SATURDAY.

SECTION 4: PARENTS' RESPONSIBILITY.

IT SHALL BE UNLAWFUL FOR THE PARENT, GUARDIAN OR OTHER ADULT PERSON HAVING CUSTODY OR CONTROL OF ANY MINOR UNDER THE AGE OF 18 TO PERMIT OR BY INEFFICIENT CONTROL TO ALLOW SUCH MINOR TO LOITER OR CRUISE ON OR IN ANY PUBLIC PROPERTY OR PUBLIC PLACE WITHIN THE JURISDICTION BETWEEN THE HOURS OF 10:00 P.M. AND 4:00 A.M. SUNDAY THROUGH THURSDAY AND BETWEEN THE HOURS OF 12:01 A.M. AND 4:00 A.M. FRIDAY THROUGH SATURDAY.

HOWEVER, THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A MINOR ACCOMPANIED BY HIS/HER PARENT, GUARDIAN, CUSTODIAN OR OTHER ADULT PERSON HAVING CARE, CUSTODY AND CONTROL OF THE MINOR, OR IF THE MINOR IS ON AN EMERGENCY ERRAND OR SPECIFIC BUSINESS OR ACTIVITY DIRECTED BY THE PARENT, GUARDIAN, CUSTODIAN OR OTHER ADULT PERSON HAVING CARE, CUSTODY AND CONTROL OF THE MINOR, OR IF THE MINOR IS ON AN EMERGENCY ERRAND OR SPECIFIC BUSINESS OR ACTIVITY DIRECTED BY THE PARENT, GUARDIAN, CUSTODIAN OR OTHER ADULT HAVING HET CARE AND CUSTODY OF THE MINOR OR IF THE PARENT, GUARDIAN OR OTHER ADULT PERSON HEREIN HAS MADE MISSING PERSON NOTIFICATION TO THE SEVIER COUNTY SHERIFF'S DEPARTMENT.

SECTION 5: PENALTIES.

ANY MINOR VIOLATING THE PROVISION OF THIS ORDINANCE SHALL BE GUILTY OF A MISDEMEANOR. ANY PARENT, GUARDIAN OR OTHER ADULT PERSON HAVING THE CARE CUSTODY OF A MINOR VIOLATING THIS ORDINANCE SHALL, AFTER HAVING BEEN PREVIOUSLY NOTIFIED OF A PRIOR VIOLATION OF THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR.

ANY MINOR APPREHENDED BREAKING CURFEW WHILE RIDING AND ATV (ALL TERRAIN VEHICLE) OR OHV (OFF HIGHWAY VEHICLE) WILL BE ARRESTED AND THE ATV OR OHV WILL BE SUBJECT TO IMPOUNDMENT.

SECTION 6: REPEALER.

ALL PREVIOUS ORDINANCES REGARDING CURFEWS HEREBY ARE REPEALED.

SECTION 7: EFFECTIVE DATE.

THIS TOWN, ELSINORE, FINDS THAT THE PUBLIC SAFETY, HEALTH AND WELL-BEING IF THE COMMUNITY REQUIRE THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION AND POSTING.

PASSED AND APPROVED THIS 11TH DAY OF JUNE, 1996.