

Ordinance 04-2019-01
TOWN OF SIMMESPORT
CURFEW ORDINANCE FOR JUVENILES

Presence and conduct of minors on streets and public places; curfew established; violations, penalties.

A. *Short title.* This section shall be known and may be cited as the "Ordinance Regulating the Presence and Conduct of Minors on Streets and Public Places."

B. *Definitions.* For the purposes of this section, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number the plural number. The word "shall" is always mandatory and not merely directory.

1. *Town* is the Town of Simmesport.
2. *Minor* is any person seventeen (17) years of age or under.
3. *Parent* is the natural or adoptive parent of a minor.
4. *Guardian* is any person other than a parent, who has legal guardianship of a minor.
5. *Custodian* is any person over the age of eighteen (18) who is in loco parentis to a juvenile.
6. *Public place* means 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. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, pool room, shopping center, and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

C. *Curfew for minors.* It shall be unlawful for any minor, (minor defined as being seventeen (17) years of age or under), to remain idle, wander, stroll, or play in any public place either on foot or to cruise about without a set destination in any vehicle in, about, or upon any place in the Town between the hours of 7:00 p.m. and 6:00 a.m., Sunday through Thursday and between the hours of 8:00 p.m. and 6:00 a.m., Friday through Saturday, 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, specific business, or other activity directed or permitted by his 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 required by some legitimate employment, trade, profession, or occupation.

D. *Responsibility of owners of public places.* It shall be unlawful for any person, firm, or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors seventeen (17) years of age or under, between the hours of 7:00 p.m. and 6:00 a.m., Sunday through Thursday and between the hours of 8:00 p.m. and 6:00 a.m.

E. *Parents' responsibility.* It shall be unlawful for the parent, guardian, or other adult person having custody or control of any minor to suffer or permit or by inefficient control to allow such person to be on the streets or sidewalks or on or in any public property or public place within the Town (a) between the hours of 7:00 p.m. and 6:00 a.m., Sunday through Thursday and between the hours of 8:00 p.m. and 6:00 a.m. Friday through Saturday. However, the provisions of this section do not apply to a minor accompanied by his parent, guardian, custodian, or other adult person having the care, custody, or control of the minor, or if the minor is on an emergency errand, specific business, or other activity directed by his parent, guardian, custodian, or other adult person herein. The provisions of this section do not apply to the parent, guardian, custodian, or other adult person having care, custody, or control of the minor if said person has made a missing person notification to the police department, or other such report as a result of the minor's truancy, delinquency, or other violation of law.

F. *Special functions.* Any minor attending a special function or entertainment of any church, school, club, or other organization that requires such minor to be out at a later hour than that called for in Paragraph C shall be exempt from the provisions of this section, provided the school, church, club, or other organization shall register in advance with the chief of police or his designee to have the minors stay out to this later hour. The registrant shall state the time the function or entertainment shall end, and the minors who attend the function shall be required to be in their homes or usual places of abode within one-half (½) hour after the function is ended.

G. *Procedures:*

1. Any police officer, upon finding a minor in violation of paragraph C, shall ascertain the name and address of such minor and warn the minor that he is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police officer shall report such action to the chief of the police department who in turn shall notify the parents, guardian or person having custody or control of such minor.
2. If such minor refuses to heed such warning or direction by any police officer or refuses to give such police officer his correct name and address, or if the minor has been warned on a previous occasion that he or she is in violation of curfew, he or she shall be taken to the police department and the parent, guardian, or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor. If the parent, guardian or other adult person above cannot be located or fails to come and take charge of the minor, the minor shall be released to the juvenile authorities.

H. *Penalties.*

1. Any minor violating the provisions of this section shall be dealt with in accordance with appropriate law and procedure as may be now, or later, in effect in the Louisiana Children's Code, the Louisiana Criminal Code, the Louisiana Code of Criminal Procedure, or any other applicable law as it may pertain to the governance of juveniles.

2. Upon a finding or admission of guilt for a violation of this ordinance by any parent, guardian, or other adult person having the care and custody of a minor and who has failed to control, supervise, or oversee the juvenile resulting in a juvenile violating this ordinance shall be fined in accordance with the General Penalty Law currently, or as may be amended from time to time, in effect in the Town of Simmesport.

Mayor Leslie Draper, III