

ORDINANCE NO. #83

**AN ORDINANCE ESTABLISHING A CURFEW FOR JUVENILES;
WITHIN THE VILLAGE OF CHOUDRANT; TO PROVIDE
PENALTIES FOR THE VIOLATION THEREOF; TO PROVIDE FOR
THE EFFECTIVE DATE OF SAID ORDINANCE; AND TO
OTHERWISE PROVIDE WITH RESPECT THERETO.**

NOW, THEREFORE, BE IT ORDAINED, by the Board of Aldermen of the Village of Choudrant, Louisiana convened in Regular Session this 5th day of June, 2006, that it hereby adopts and approves the following ordinance to read as follows:

SECTION 1.

ARTICLE I – CURFEW FOR JUVENILES

Section 1.1 – Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Curfew means a regulation to restrict outdoor activities of juveniles in the village between the hours of 11:00 p.m. and 5:00 a.m. each day, except on Friday and Saturday, on which days the curfew shall be in force from midnight.

Juvenile means a person who has not attained 17 years of age.

Parent means a natural or adoptive parent or any person who has legal custody as ordered by a court.

Public business means any privately owned enterprise operated within the village to which the public is involved.

Section 1.2 – Prohibitions

Except as otherwise provided in Section 1.3 of this Ordinance, it shall be unlawful for:

- (a) any juvenile to remain in or upon any public place, including any street, sidewalk or park in the village during the curfew hours.
- (b) any juvenile to remain in or upon the premises of a public business in the village during the curfew hours.
- (c) a parent knowingly to permit or, by neglect, fail to exercise reasonable control, allow his juvenile child to be in or upon any public property or upon the premises of a public business within the village during the curfew hours.
- (d) any owner, operator or employee of a public business within the village to allow a juvenile to remain in or upon the premises of such public business during curfew hours.

Section 1.2 shall not apply under the following circumstances:

- (1) When a juvenile is accompanied by a parent or other adult person authorized by a parent.

(2) When authorized by a parent, the juvenile is attending a special function or activity sponsored by an educational, religious or nonprofit organization that requires the juvenile to be in a public place at an hour later than that authorized in this article, provided that the sponsor of the activity shall register the activity with the police chief or his designee prior to the activity. The registrant shall state the time the activity shall end. Juveniles attending such activities shall be subjected to the provisions of this article if they remain in any public place one hour past the time the registered activity is ended.

(3) When the juvenile is on an errand, specific business or activity directed or permitted by his parent, or where the juvenile is acting within the scope of legitimate employment or returning home from the errand, activity or employment without any detour or stop. The juvenile shall be in possession of documentation from his parent, tutor or other adult having the care and custody of the juvenile which indicates the start and completion time of the errand, business or activity directed by such person.

(4) When the juvenile is involved in an emergency

Section 1.4 – Enforcement Procedures

(a) Violation by juvenile

(1) Any police officer, upon finding a juvenile in violation of this article, shall determine the name and address of such juvenile and inform such juvenile that he is in violation of the village curfew and may, at the discretion of the officer:

(a.) Direct the juvenile to proceed at once to his home or usual place of abode;

(b.) Escort the juvenile to his home or usual place of abode;

(c.) Issue the juvenile a summons to appear in juvenile court.

(d.) Take the juvenile into custody to be delivered to a juvenile receiving center.

(2) Any juvenile violating the provisions of this subdivision shall be punished by a fine not to exceed \$300.00, or sentenced to not more than six months in jail, or both, to be handled in accordance with all appropriate provisions of the Louisiana Children's Code.

(3) If a juvenile is found in violation of this article on the third or subsequent occasion, the parent having the care and custody of the juvenile, after having been previously notified of these violations shall, upon conviction, be fined not more than \$500.00 for each offense or sentenced to not more than 60 days in jail, or both.

(b) Violation by parent, owner, operator or employee of public business

(1) Any parent found to be in violation of this article shall be punished by a fine of not more than \$300.00.

(2) Any subsequent violation of this article by any parent involving the same child shall be punished by a fine of not less than \$300.00 and not more than \$500.00.

SECTION 2.

If any one or more of the provisions of this Ordinance or the application thereof is held invalid or unenforceable, such invalidity or unenforceability shall not affect other provisions, items or applications of this Ordinance which can be given effect without the invalid provisions, terms or applications, and to this end the provisions of this Ordinance are hereby declared severable. Any constitutional or statutory provisions enacted after the date of this Ordinance which validates this Ordinance or otherwise makes it legal, shall be deemed to apply to this Ordinance.

SECTION 3.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4.

The ordinance shall take effect on June 9, 2006.

The ordinance was introduced on May 1, 2006, by Alderman McGrew. The ordinance was read by title and on motion by Alderman Jimmy McGrew and seconded by Alderman Ragan Aswell, was adopted by the following YEA and NAY vote:

YEAS:

Alderman Aswell
Alderman Ford
Alderman McGrew

NAYS:

None

ABSENT:

None

Whereupon, the Mayor declared this Ordinance duly adopted this 5th day of June, 2006.

Bill Sanderson, Mayor