

ORDINANCE 2002-41
AN ORDINANCE ESTABLISHING A CURFEW
AND PENALTY FOR VIOLATION

WHEREAS, the Common Council of the City of Logansport, Indiana, has determined that juveniles being in public places in the late night and early morning hours is detrimental both to the juveniles and the community as a whole,

WHEREAS, the State of Indiana as set out in I.C. 31-37-3 *et. seq.* recognizes the need for a curfew and authorizes cities to enact related ordinances,

WHEREAS, it is the opinion of the Common Council that parents and others who are responsible for juveniles have a need to know about and control there whereabouts, and

WHEREAS, the former curfew statute enacted by the State of Indiana which the City of Logansport's curfew ordinance mirrored was declared unconstitutional and amended to meet constitutional standards.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Logansport, Indiana:

SECTION 1: CURFEW; 16 AND 17 YEAR OLDS.

It is a Curfew violation for a child 16 or 17 years of age to be in a public place:

- (a) between Midnight and 5:00 a.m. on Saturday or Sunday;
- (b) after 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday, or;
- (c) before 5:00 a.m. on Monday, Tuesday, Wednesday or Thursday or Friday.

SECTION 2: CURFEW; CHILDREN UNDER 16 YEARS OF AGE.

It is a Curfew violation for a child under 16 years of age to be in a public place after 10:00 p.m. or before 5:00 a.m. on any day.

SECTION 3: DEFENSES.

- (a) It is a defense to a violation under this chapter that the child was emancipated:
 - (1) under IC 31-37-19-27;
 - (2) by virtue of having married; or
 - (3) in accordance with the laws of another state or jurisdiction; at the time that the child engaged in the prohibited conduct.
- (b) It is a defense to a violation under this chapter that the child engaged in the prohibited conduct while:

- (1) accompanied by the child's parent, guardian, or custodian;
- (2) accompanied by an adult specified by the child's parent, guardian, or custodian;
- (3) participating in, going to, or returning from:
 - (A) lawful employment;
 - (B) a school sanctioned activity;
 - (C) a religious event;
 - (D) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - (E) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or
 - (F) an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults; or
- (4) engaged in interstate or international travel from a location outside Indiana to another location outside Indiana.

SECTION 4: CIVIL PENALTIES.

The parent, guardian or custodian of any child who commits a curfew violation, as defined herein, violates this Ordinance and shall be subject to the following civil penalties:

- (a) \$50.00 for a first offense;
- (b) \$100.00 for a second offense within a one-year period, plus court costs; or
- (c) \$200.00 for a third offense and every subsequent offense within a one-year period, plus court costs.

SECTION 5: PAYMENT OF CIVIL PENALTIES.

Civil penalties for offense violations of this Ordinance are payable through the Ordinance Violations Bureau in the Clerk-Treasurer's office.

SECTION 6: Repeal.

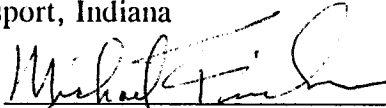
This Ordinance supercedes, repeals, and replaces Curfew Ordinance No. 94-22. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon passage and publication as required by law.

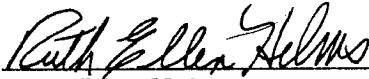
Common Council of the City of
Logansport, Indiana

By:



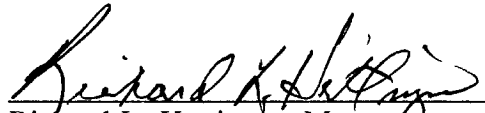
Mike Fincher, its President

ATTEST:



Ruth Ellen Helms,
Clerk-Treasurer

Submitted to, approved by and signed by me, the Mayor of the City of Logansport,
Indiana, this 2 day of December, 2002.



Richard L. Hettinger, Mayor