

ORDINANCE 2005-3

AN ORDINANCE CONCERNING CURFEW HOURS FOR CHILDREN SEVENTEEN YEARS OF AGE AND YOUNGER

WHEREAS, the Town of Cloverdale has determined that the best interests of the Town and the public safety of its residents are served by enacting an ordinance establishing a curfew for children seventeen years of age and younger.

NOW THEREFORE BE IT ORDAINED by the Town Board of the Town of Cloverdale as follows:

SECTION 1. Curfew hours for children fifteen, sixteen and seventeen years of age.

It is unlawful for a child fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place in the ^{Town} county at any time during the following curfew hours:

- (1) Between 1:00 a.m. and 5:00 a.m. on Saturday or Sunday;
- (2) After 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday;
or
- (3) Before 5:00 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

SECTION 2. Curfew hours for children younger than fifteen years of age.

It is unlawful for a child younger than fifteen (15) years of age to be in a public place in the ^{Town} county after 11:00 p.m. or before 5:00 a.m. on any day.

SECTION 3. Application

- (a) Sections 1 and 2 of this Ordinance do not apply to a child who is:
 - (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) With the consent of the child's parent, guardian, or custodian, either 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 expressive, religious, or associational activity protected

by either federal or state law, including but not limited to the free exercise of religion, freedom of speech, and the right of assembly;

- f. An activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults; or
- g. An activity undertaken at the written direction of the child's parent, guardian, or custodian;

or,

- (4) Engaged in interstate or international travel from a location outside Indiana to another location outside of Indiana.
- (b) No complaint shall be filed unless the officer reasonable believes that an offense has occurred under this section and that no defense exists for the alleged violation.

SECTION 4. Enforcement

- (a) A child who commits a curfew violation under this chapter is subject to the enforcement procedures provided in IC 34-28-5-1. Whenever a complaint is filed against a child for a violation of this Ordinance, the Town shall direct a copy of the complaint to the Circuit Court of Putnam County, and to the child's parent, guardian, or custodian, if such person is known or can be identified by a reasonable inquiry.
- (b) In addition to the imposition of fines as provided in Section 6 of this Ordinance, the Court upon request shall order such injunctive relief as is appropriate and necessary to prevent a child from committing further violations of this Ordinance.

SECTION 5. Curfew; responsibility of parent, guardian, or custodian.

It is unlawful for a parent, guardian, or custodian of a child under the age of eighteen (18) years recklessly to cause, suffer, or allow that child to commit a curfew violation under this Ordinance. If a parent, guardian, custodian, or child is charged with a second or subsequent violation of this section of this Ordinance, there shall be a presumption that he or she is responsible under this section for the child's violation of this Ordinance.


SECTION 6. Penalties for violations of this Ordinance.

- (a) Whenever in any section of this Ordinance, or of any ordinances amendatory thereof or supplemental thereto, the doing of any act, or the omission to do any act or to perform any duty, is declared to be a violation of this Ordinance, or of any such amendatory or supplemental ordinance, or of any provision thereof; then any person who shall be convicted of any such violation, or of doing or of omitting to do any such act or to perform any such duty shall be fined, by way of a penalty therefor, not more than

five hundred dollars (\$500.00) for each such violation, act or omission.

THIS ORDINANCE was passed and adopted this 12 day of October, 2005.

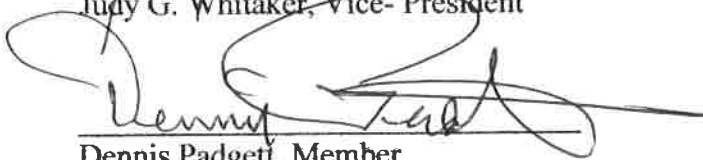
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