

ORDINANCE NO. 2007-16

An Ordinance of the Town of LaPaz, Indiana
Setting Forth and Establishing Curfews for Minors

WHEREAS, the Town of LaPaz believes that it is in the public interest, in order to protect the health, safety, and welfare of its citizens, to establish curfew limits for persons under the age of 18 years; and

WHEREAS, Indiana Code 31-37-3-1 provides a state law on curfews, which the Town of LaPaz desires to adopt.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. It shall be unlawful for any child 15, 16, or 17 years of age to be in a public place within the corporate limits of the Town, including any Town park or cemetery:

- A. Between 1:00 a.m. and 5:00 a.m. on Saturday and 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, Thursday or Friday.

Section 2. It shall be a curfew violation for a child under 15 years of age to be in a public place after 11:00 p.m. or before 5:00 a.m. on any day.

Section 3. The above restrictions shall not apply to a child who is:

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

D. Participating in an activity undertaken at the prior written direction of the child's parent, guardian, or custodian; or

E. Engaged in interstate or international travel from a location outside Indiana to another location outside Indiana.

Section 4. A law enforcement officer may not detain a child or take a child into custody based on a violation of this Section unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:

- A. The child has violated this Section; and
- B. There is no legal defense to the violation.

Section 5. The first time a child is found in violation of this Ordinance, the child shall be fined the sum of Thirty Dollars (\$30.00), which shall be reduced to Five Dollars (\$5.00) if the same is paid for within 72 hours of the violation.

Section 6. The second time a child is found in violation of this Ordinance, the child shall be issued a citation and shall be penalized the sum of Fifty Dollars (\$50.00), which shall be reduced to Twenty-five Dollars (\$25.00) if the same is paid for within 72 hours of the violation.

Section 7. The third time or any subsequent time a child is found in violation of this Ordinance, the child's parent or guardian shall be issued a citation and shall be penalized Fifty Dollars (\$50.00), which shall be reduced to Twenty-five Dollars (\$25.00) if the same is paid within 72 hours of the violation.

Section 8. This Ordinance shall be in full force and effect upon its passage and publication, as required by law, and shall specifically replace in its entirety Ordinance No. 2007-02 which shall then be null and void.

PASSED and ADOPTED by the Town Council of the Town of LaPaz, Marshall County, Indiana, this 11th day of June, 2007.

TOWN COUNCIL, TOWN OF LAPAZ
MARSHALL COUNTY, INDIANA

By Roger L. Ecker
Roger L. Ecker, President

By Linda Tyler
Linda Tyler, Vice President

By Donna L. Lichtenberger
Donna L. Lichtenberger

ATTEST:

Jane Harris
Jane Harris, Clerk-Treasurer