

ORDINANCE NO. 489

IN ORDINANCE ESTABLISHING A CURFEW FOR MINORS IN THE CITY OF WATHENA, KANSAS; MAKING IT UNLAWFUL FOR MINORS UNDER THE AGE OF 18 YEARS TO BE OR REMAIN IN, ABOUT OR UPON THE STREETS, ALLEYS, PARKS, AND OTHER PLACES BETWEEN THE HOURS OF 12:15 O'CLOCK A.M. AND 5:00 O'CLOCK A.M. OF THE FOLLOWING DAY; MAKING IT UNLAWFUL FOR PERSONS HAVING CUSTODY OF SAID MINOR TO PERMIT SUCH VIOLATION; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ORDINANCE NO. 332 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF WATHENA IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS:

SECTION 1. TITLE. This Ordinance shall be known as the "Curfew For Minors Ordinance for the City of Wathena, Kansas."

SECTION 2. DEFINITIONS. As used in this Ordinance:

- a. The term "minor" means any person under the age of eighteen (18) years.
- b. The term "custodian" means a parent, guardian or other adult person having the legal responsibility for the care and custody of a minor.
- c. The term "permit" means: (i) to intentionally fail to prevent a minor from violating this ordinance, or (ii) to fail to exercise a reasonable effort to prevent a minor from violating this ordinance.
- d. The term "remain" means to loiter, idle, wander, lounge, stroll, tarry or stay.
- e. The term "authorized" means to have prior authority from a custodian.

SECTION 3. CURFEW FOR MINORS. Except as hereinafter provided in Section 5 it shall be unlawful for any minor to be or remain in, about or upon any street, alley, road, park, playground, ball field, public place, public building, vacant lots or any unsupervised place between the hours of 12:15 o'clock P.M. and

5:00 o'clock A.M. of the following day, either on foot, in a vehicle or by any other means of conveyance.

SECTION 4. RESPONSIBILITY OF CUSTODIANS. Except as hereinafter provided in Section 5 it shall be unlawful for any custodian to allow or permit a minor under his or her control to be in, about or upon any street, alley, road, park, playground, ball field, public place, public building, vacant lots or any unsupervised place, between the hours of 12:15 o'clock A.M. and 5:00 o'clock A.M. of the following day.

SECTION 5. EXCEPTIONS TO CURFEW. The following are specifically excepted from the application of Sections 3 and 4 of this Ordinance:

- a. Any minor while in the custody of or attended by his custodian.
- b. Any minor performing an emergency errand or other legitimate business as directed by his custodian.
- c. Any minor legitimately engaged in his or her employment, trade or occupation.
- d. Any minor on the way home, by the shortest and most direct route from attending a school or other event which the minor was authorized to attend by his or her custodian.

SECTION 6. PENALTIES.

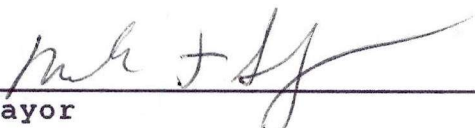
- a. Any minor violating the provisions of this Ordinance shall be deemed to be a miscreant child and shall be reported to the Magistrate Judge of Doniphan County, Kansas, for action by the District Court of Doniphan County, Kansas, in accordance with the Juvenile Code of the State of Kansas.
- b. Any custodian violating the provisions of this Ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined in a sum not to exceed \$100.00.

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SECTION 7. REPEALER. Ordinance No. 332 and any and all ordinances and parts of ordinances of the City of Wathena in conflict herewith are hereby repealed.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its publication in The Wathena Times, official City paper.

PASSED by the Council and APPROVED By the Mayor, on the 4th day of June, 1996.

  
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Mayor

ATTEST:

  
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City Clerk