

AN ORDINANCE ENTITLED CURFEW ESTABLISHED FOR MINORS UNDER SEVENTEEN YEARS OF AGE.

WHEREAS, THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, DEEMS IT NECESSARY TO ESTABLISH A CURFEW FOR MINORS OF THE CITY OF PORTAGE DES SIOUX, MISSOURI.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I:

NO MINOR UNDER THE AGE OF SEVENTEEN YEARS SHALL BE IN ANY COMMERCIAL PLACE OF AMUSEMENT, BUSINESS, OR ENTERTAINMENT OR ANY UNSUPERVISED PLACE BETWEEN THE HOURS OF 9:00 PM AND 7:00 AM ON ANY GIVEN DAY, PROVIDED HOWEVER THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A MINOR ACCOMPANIED BY HIS/HER PARENT, LEGAL GUARDIAN OR OTHER ADULT PERSON HAVING CUSTODY OF SUCH MINOR.

SECTION II: SAME-RESPONSIBILITY OF PARENT, ETC.

NO PARENT, GUARDIAN OR OTHER ADULT PERSON HAVING THE CARE AND CUSTODY OF A MINOR UNDER THE AGE OF SEVENTEEN YEARS SHALL KNOWINGLY PERMIT SUCH MINOR TO BE IN OR ON OR BE DRIVING IN OR ON ANY STREET OR PARK UNSUPERVISED BETWEEN THE ABOVE SAID HOURS. HOWEVER, PROVIDING THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN THE PARENT, OR GUARDIAN HAS SENT SUCH MINOR ON AN EMERGENCY ERRAND OR LEGITIMATE BUSINESS.

SECTION III:

ANY POLICE OFFICER FINDING A MINOR VIOLATING THE PROVISIONS OF SECTION I SHALL WARN SUCH MINOR TO DESIST IMMEDIATELY FROM SUCH VIOLATION AND SHALL CAUSE A WRITTEN NOTICE TO BE SERVED UPON THE PARENT, GUARDIAN OR SAID PERSON HAVING LEGAL CUSTODY OF SUCH MINOR, SETTING FORTH THE MANNER IN WHICH SECTION I HAS BEEN VIOLATED.

SECTION IV: VIOLATION AND PENALTIES

ANY MINOR VIOLATING THE PROVISIONS OF SECTION I AFTER RECEIPT OF A FIRST WARNING AS WAS PROVIDED IN SECTION III SHALL, ON CONVICTION, BE SUBJECT TO A FINE OF \$25.00 FOR SUCH OR TO CONFINEMENT IN A DETENTION HOME FOR MINORS FOR NOT MORE THAN THIRTY DAYS, OR BY BOTH SUCH FINE AND CONFINEMENT. IF SUCH MINOR IS OF AN AGE SO AS TO SUBJECT HIM TO JUVENILE COURT JURISDICTION, SUCH MINOR SHALL BE REFERRED TO THAT JURISDICTION. A SUBJECT CONVICTED FOR THE SECOND TIME WILL BE SUBJECT TO ALL OF THE ABOVE WITH AN INCREASE OF THE FINE TO \$50.00. THIRD SUCH CONVICTION WILL HAVE A FINE FO \$75.00 WITH ALL OF THE ABOVE APPLICABLE. FOURTH OR MORE CONVICTION SHALL BE A FINE SET BY THE MUNICIPAL JUDGE WITH ALL OF THE ABOVE APPLICABLE.

ANY PARENT, GUARDIAN OR ADULT PERSON HAVING CUSTODY AND CARE OF SAID MINOR WHO KNOWINGLY PERMITS SUCH MINOR TO VIOLATE AS PROVIDED OF SECTION I AFTER RECEIPT OF A NOTICE FOR THE FIRST VIOLATION AS PROVIDED IN SECTION III SHALL, UPON CONVICTION BE SUBJECT TO THE ABOVE FINE AS LISTED FOR FIRST CONVICTION THRU FOURTH OR MORE. EACH VIOLATION OF THE PROVISIONS OF SECTIONS I OR II SHALL CONSTITUTE A SEPARATE OFFENSE.

SECTION V:

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE, ADOPTION AND APPROVAL OF THE CITY BOARD AND MAYOR. THIS ORDINANCE HAS RECEIVED ALL OF THE REQUIRED READINGS AT THE SAME MEETING AT WHICH THE BILL IS INTRODUCED, SO THAT IT CAN BE PASSED AT ONE MEETING. THIS ORDINANCE IS PRIMA FACIA DEEMED AN EMERGENCY ORDINANCE BECAUSE IT ALLOWS THE BOARD OF ALDERMEN TO TAKE IMMEDIATE STEPS TO PREVENT OR TO REMEDY CONDITIONS OR SITUATIONS WHICH IS OF SUCH A NATURE THAT IT DEMANDS ATTENTION, AND TO POSTPONE ACTION WOULD RESULT IN SERIOUS INJURY OR DAMAGE TO THE PEOPLE, THE GOVERNMENT, OR THE MUNICIPALITY. THE PUBLIC URGENCY CONSTITUTING THE EMERGENCY INVOLVES THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

BILL # 168

ORDINANCE # 168

SECTION VI:

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FORM AND AFTER ITS PASSAGE AND APPROVAL
READ THREE TIMES AND PASSED THIS 9th DAY OF SEPTEMBER, 1991.

George R. Combs
MAYOR GEORGE COMBS

CITY SEAL:

I ATTEST THAT THE ABOVE WAS READ THREE TIMES AND PASSED ON 9th DAY OF SEPTEMBER,
1991.

Jo Ann L. Meyers
CITY CLERK JO ANN L. MEYERS

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