

Introduced
BK 11/9/23

ORDINANCE NO. 1409

An ordinance regulating the presence and conduct of minors on streets and other public places; defining duties of parents or others in care of minors; providing for detention; providing penalties for violations thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICKASAW, ALABAMA, AS FOLLOWS:

Section 1. That the following definitions shall apply in the interpretation of this ordinance:

Definitions:

- Minor: Any person under the age of eighteen (18) years.
- Parent: Any person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis, or as a person to whom legal custody has been given by order of court.
- Public Place: Any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose in the City of Chickasaw. A public place shall include, but not be limited to, any store, shop, restaurant, lounge, bowling alley, cafe, theater, drugstore, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above-described public place.
- Time: When referred to herein, time is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Savings Time, observed during that time of the year in the City.

Section 2. Curfew for minors; exceptions to curfew:

It is unlawful for any minor to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any place in the City of Chickasaw, unsupervised by an adult having the lawful authority to be at such places, between the hours of 11:00 P.M. on any day and 6:00 A.M. of the following day; provided,

however, that on Friday night and Saturday night the prohibited hours are between 12:00 midnight and 6:00 A.M. of the following day; and provided that the provisions of this section shall not apply in the following instances:

- (1) When the minor is accompanied by his or her parent or other adult having lawful care and custody of such minor.
- (2) When the minor is upon an emergency errand directed by his or her parent or adult having lawful care and custody of such minor.
- (3) When the minor is returning directly home from a school activity, entertainment, recreational activity or dance.
- (4) When the minor is going to or returning directly home from lawful employment that makes it necessary to be in such place during the proscribed period of time.
- (5) When the minor is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly or free exercise of religion.
- (6) When the minor is in a motor vehicle with parental consent for normal travel. (Interstate and intrastate travel through the city is excepted in all cases from the curfew.)

Section 3. Parental duty:

It is unlawful for a parent, guardian or other person having custody or control of any minor to permit, or by insufficient control to allow, the minor to be in or upon the public streets, or any other places listed in Section 1, within the city between the hours of 11:00 P.M. on any day and 6:00 A.M. on the following day, provided, however, that on Friday night and Saturday night the prohibited hours are between 12:00 midnight and 6:00 A.M. of the following day, except in circumstances set out in subsection (1) through (6) of Section 2.

Section 4. Police Procedures:

- (a) Any police officer, upon finding a minor suspected of being in violation of Section 2, shall question the minor, under constitutional safeguards, to determine the relevant facts as to name, age, address and the reason for the minor's presence.

In the absence of convincing evidence, such as a birth certificate or driver's license, a police officer shall use his or her best judgment in determining age.

- (b) Upon a first violation, the police officer shall warn the minor that he or she is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode.
- (c) If the minor refuses to heed such warning or direction or refuses to give the police officer his or her correct name and address, or if the minor has been warned on a previous occasion that he or she is in violation of curfew, the minor shall be taken to the police department. The minor's parent, guardian or person having lawful custody or control of the minor shall immediately be notified to come for the minor. If a parent, guardian or other adult person cannot be located, the minor shall be released to juvenile authorities. If a parent or legal guardian is contacted and fails to come or make arrangements to have a competent adult come and take charge of the minor, the person so refusing will be cited and summoned to municipal court, and the minor shall be released to juvenile authorities.
- (d) Police procedure shall constantly be refined in the light of experience and may provide that the police officer may deliver a minor to a parent under appropriate circumstances; for example, if the minor is of tender age, near his or her home, and the minor's identity and address may readily be ascertained or is already known.
- (e) In any event the police officer will file a written report with the chief or his designee before the end of the officer's shift in regard to the curfew violation.
- (f) When a parent has come to take charge of the minor and the appropriate information has been recorded, the minor shall be released to the custody of the parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police procedures, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will, on behalf of the parent, assume the responsibility of caring for the minor pending the availability or arrival of the parent.
- (g) In case of a first violation by a minor, the chief of police or his designee shall send by certified mail to a parent, guardian or person having lawful custody or control of the minor written notice of such violation with a warning that any subsequent violation will result in full enforcement of the

curfew ordinance, including enforcement of parental responsibility and applicable penalties.

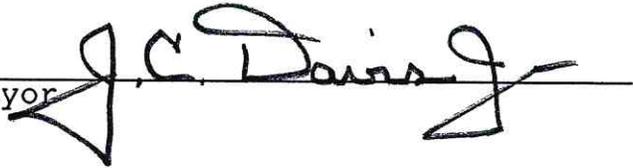
- (h) Upon a minor's second violation of this ordinance within twelve (12) months, a parent shall be given a warning citation. Upon further violations by the minor within twelve (12) months, the parent will be cited for violation of Section 3 hereof and, if convicted, may be fined up to five hundred dollars (\$500.00) and/or sentenced for up to six (6) months in jail. Upon further violations, a minor shall be subject to and dealt with under proper procedure in juvenile court pursuant to state law. Each violation of this ordinance shall constitute a separate offense.

Section 5. This ordinance shall be in full force and effect upon its adoption and publication as provided by law.

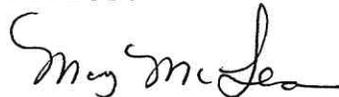
ADOPTED this 23rd day of November, 1993.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Chickasaw, Alabama, on this the 23rd day of November, 1993.

Mayor



ATTEST:



City Clerk