

TOWN OF PORT BARRE

ORDINANCE NO. 1 OF 2017

AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS AND IMPOSING PENALTIES, MONETARY OR OTHERWISE, OF THE MINOR AND/OR PARENTS OF A MINOR VIOLATING THE CURFEW

SECTION 1. BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Port Barre, State of Louisiana, that the Town of Port Barre Code of Ordinances be, and the same is hereby amended. This ordinance repeals and replaces any and all previously adopted ordinances regarding the curfew for minors, including Ordinance No. 2-91 .

(A) DEFINITIONS:

- (1) Curfew hours means 9:00 o'clock p.m. until 5:00 o'clock a.m. Monday through Sunday.
- (2) Custodian means a "parent" as defined in Louisiana Children's Code, Article 116, or a person with "legal custody" as defined in Louisiana Children's Code, Article 116, or a person of full age and majority to whom the care or supervision of the child has been temporarily and lawfully delegated or assigned.
- (3) Direct route means the shortest path of travel on or through a public place, or if using public transportation, then along the most direct route offered, to reach a final destination without any detour or stop along the way.
- (4) Emergency means any circumstance, situation or occurrence which may produce or result in serious consequences and requires immediate action. An emergency includes, but is not limited to, a fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (5) Establishment means any privately owned place where business is carried on for profit or any place of amusement or entertainment to which the public is invited.
- (6) Minor means any person under 17 years of age who has not been emancipated judicially or by marriage, under state law.
- (7) Permit means to knowingly allow or knowingly fail to prevent, or to fail to prevent due to lack of reasonable efforts or concern or due to failure to supervise or control.
- (8) Public place means any public street, private street, sidewalk, corner, road, highway, avenue, alley, park, playground, wharf, dock, public building, and appurtenant open space, vacant lot or other place used by or open to the public.
- (9) Remain means to tarry, stay, loiter, idle, wander, stroll or play.

(B) OFFENSES:

- (1) A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the town during curfew hours.
- (2) A custodian of a minor commits an offense if he knowingly permits or by insufficient control allows a minor to remain in any public place or on the premises of any establishment within the town during curfew hours.

(C) EXCEPTIONS - THE FOLLOWING ARE EXCEPTIONS TO VIOLATIONS UNDER THIS SECTION:

- (1) This section shall not apply to minors who are:
 - (a) Accompanied by the minor's custodian.
 - (b) On an errand necessary for the health or well-being of the minor, his/her immediate family and/or his/her custodian, that cannot be done by the custodian or other adult in the same household, at the direction of the minor's custodian and while using a direct route.
 - (c) In a motor vehicle involved in interstate travel.
 - (d) Engaged in an employment activity pursuant to the minor's custodian's direction, or going to or returning home from an employment activity and using a direct route.
 - (e) In violation of curfew hours as a result of an emergency.
 - (f) On a sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor, absent a complaint concerning the minor's presence, or a complaint of excess noise or behavior that upsets the peace and tranquility of the neighborhood, communicated to a law enforcement officer by any neighbor whose property is within 125 feet of the sidewalk to which this exception applies.
 - (g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the town or another public body, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from such an activity by a direct route.
 - (h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

(D) PENALTIES

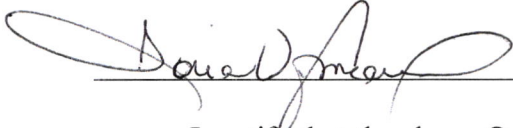
- (1) Any minor who violates a provision of this article, upon the first offense, will be given a warning, picked up by a police officer and brought either home or to the police department, where the minor's custodian(s) will receive notification of the specific illegal conduct observed and of the consequences of subsequent violations.
- (2) Any minor who violates the provisions of this article, upon a second offense, may be adjudicated a delinquent, as defined in the Louisiana Children's Code and may be dealt with in accordance with the state department of corrections policies regarding placement with their agency.
- (3) Any custodian of a minor found to be in violation of this article, upon a second offense, shall be found guilty of a misdemeanor, which shall be punishable by a fine of not less than \$50.00 or more than \$500.00.

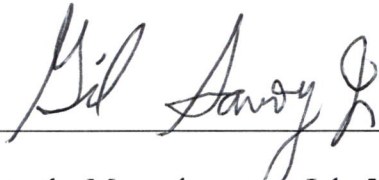
Said ordinance having been introduced on June 6, 2017 by Alderman Ardoin, notice of public hearing having been published on Sunday, June 11, 2017; said public hearing having been held, the title having been read and the Ordinance considered, on motion by Alderman Ardoin, seconded by Alderman Robin to adopt the Ordinance, a record vote was taken and the following result was had:

YEAS: Ardoin, Robin, Pickney and Barron
NAYS: None
ABSENT: Sharkey

Whereupon, the presiding officer declared the above Ordinance duly adopted on July 5, 2017.

ATTEST:



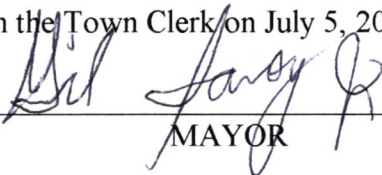


I certify that the above Ordinance was presented to the Mayor by me on July 5, 2017.



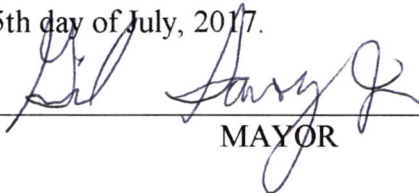
TOWN CLERK

I acknowledge receipt of the above Ordinance from the Town Clerk on July 5, 2017.



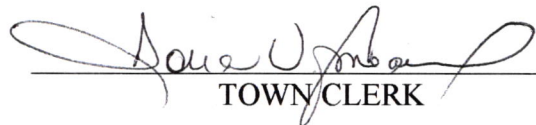
MAYOR

I hereby approve the above Ordinance on this 5th day of July, 2017.



MAYOR

I hereby certify that the above Ordinance was received by me from the Mayor on July 5, 2017



TOWN CLERK

