

ORDINANCE NO. 1715

AN ORDINANCE AMENDING CHAPTER 28, SECTION 28-2, OF THE CODE OF THE CITY OF NEODESHA, DEALING WITH JUVENILE CURFEW INSIDE THE CITY OF NEODESHA; AND REPEALING OLD CHAPTER 28, SECTION 28-2, OF THE CODE OF THE CITY OF NEODESHA.

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

Section One: Chapter 28, Section 28-2 of the City of Neodesha Code shall be amended to read as follows:

Sec. 28-2. - Juvenile curfew.

(a) It shall be unlawful for any minor 17 years of age or younger, to loiter, idle, loaf, wander, stroll, lounge or play in or upon the public streets, highways, roads, alleys, parks, sidewalks, playgrounds or other public grounds, public places or public buildings between 11:00 p.m. and 6:00 a.m. of the following day, except on Fridays and Saturdays when the hours shall be 12:00 midnight to 6:00 a.m.; provided, however, that the provisions of this section shall not apply to a minor:

- (1) Accompanied by the minor's parent or guardian or an adult designated by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian or an adult designated by the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency. In this subsection, the term "emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term "emergency" includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;
- (6) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the township, a civic organization, or another similar entity that takes responsibility for the minor;
- (7) 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; or
- (8) Who is married or has been married or has had the disabilities of minority removed, in accordance with law.

(b) It shall be the responsibility of the parent or legal guardian of a minor 17 years of age or under to see that such minor does not violate this section.

(c) Any minor violating the provisions of this article shall be dealt with in accordance with the Revised Kansas Juvenile Justice Code (K.S.A. 38-2301 et seq.). Any police officer finding a minor 17 years of age or under violating the provisions of this article shall warn the minor to desist from such violation and immediately return home or, in the alternative, the police officer may take the minor into protective custody and release him to the minor's parent or legal guardian. Regardless of whether the police officer elects to warn the minor or take the minor into protective custody, such police officer shall promptly cause a written citation or warning to be served upon the minor's parent or legal guardian, setting forth the manner in which the provisions of this article have been violated. Any parent or legal guardian of any minor who is found in violation of this section shall be guilty of an offense.

(d) Any violation of the provisions of this section shall be punishable as a Class C violation pursuant to the general penalty provisions of the Code of the City of Neodesha, Kansas, Chapter 1, Section 1-7.

Section Two: Old Chapter 28, Section 28-2 of the Code of the City of Neodesha is hereby repealed.

Section Three: EFFECTIVE DATE. This ordinance shall be in full force and effect after its publication in the official city newspaper.

Passed by the Governing Body of the City of Neodesha, Kansas and signed by the Mayor this 27th day of February, 2019.

ATTEST:

Terry M. Harper, Mayor

Bobby Busch, City Clerk