

Ordinance No. 526

CURFEW PROGRAM ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORGANFIELD, UNION COUNTY, KENTUCKY THAT A NEW CHAPTER OF THE CITY OF MORGANFIELD CODE OF ORDINANCES, CHAPTER 131, IS CREATED AS SET OUT BELOW:

§131.01 DEFINITIONS

The following words, terms and phrases when used in this subchapter shall have the meanings ascribed to them in this subchapter, unless the context clearly indicates or requires another meaning:

(A) MINOR. Any person under the age of 18, or as may be otherwise phrased, any person of the age of 17 or under.

(B) PARENT. Any person having legal custody of a minor.

(1) As a natural or adoptive parent;

(2) As a legal guardian;

(3) As a person who stands in loco parentis; or

(4) As a person whom legal custody has been given by order of court

(C) REMAIN. To stay behind, tarry, linger, congregate, move about, wander, stroll, or stay unnecessarily upon or in any public assembly, building, place, street, or highway.

(D) ALLOW. Either permit or neglect to prevent. It requires actual or constructive knowledge on the part of the parent or guardian, that is, the parent or guardian must actually know about the minor violating this section, or the circumstances must be such that a reasonably prudent parent or guardian should have known the minor was violating this subchapter.

§131.02 HOURS OF CURFEW.

(A) It shall be unlawful for any person under the age of 18 to be or remain in or upon any public assembly, building, place, street, or highway within The City of Morganfield at night during the following periods:

1:00 a.m. to 6:00 a.m. Saturday

1:00 a.m. to 6:00 a.m. Sunday

11:00 p.m. Sunday to 6:00 a.m. Monday

11:00 p.m. Monday to 6:00 a.m. Tuesday

11:00 p.m. Tuesday to 6:00 a.m. Wednesday

11:00 p.m. Wednesday to 6:00 a.m. Thursday

11:00 p.m. Thursday to 6:00 a.m. Friday

(B) It shall be unlawful for any parent or guardian having legal custody of a minor to allow such minor to be or remain in or upon a public assembly, building, place, street, or highway in The City of Morganfield under circumstances not constituting an exception as enumerated in §131.03 during the time period contained in §131.02(A).

§131.03 EXCEPTIONS.

In the following exceptional cases a minor in or upon any public assembly, building, place, street, or highway in The City of Morganfield during the nocturnal hours provided for in §131.02(A) shall not be considered in violation of this subchapter:

(A) Weekday hours (Monday through Friday) shall be extended to 12:00 p.m. when the Union County Schools are not in session;

(B) When the minor is accompanied by a parent or guardian;

(C) When accompanied by an adult authorized by a parent or guardian of such minor;

(D) When 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, provided that written notice signed by the minor and countersigned by a parent is in the possession of such minor specifying when, where, and in what manner said minor will be exercising such First Amendment rights;

(E) In case of reasonable necessity but only after such minor's parent has communicated to the Morganfield Police Department the facts establishing such reasonable necessity;

(F) When the minor is on the sidewalk contiguous to the place where such minor resides, or on the sidewalk contiguous to a next-door neighbor who has not communicated an objection to a police officer or The Morganfield Police Department;

(G) When returning home, by a direct route from and within one hour of the termination of, a school activity, or any activity of a religious or other voluntary association, provided that justification indicating the place and time of termination of said event can be given to any investigating officer of the Morganfield Police Department;

(H) When authorized by regulation issued by the Mayor in cases of reasonable necessity involving more minors than may reasonably be dealt with on an individual basis. Such regulation should be issued sufficiently in advance to permit publicity through news media and through other

agencies such as the schools. The regulation shall define the activity, the scope of the use of the public assembly, building, place, street, or highway permitted, and the period of time involved not to extend more than one hour beyond the time for termination of the activity, and the reason for finding that such regulation is reasonably necessary. The Mayor shall notify the Morganfield Police Department of said information;

(I) When engaged in a business or occupation which the laws of Kentucky authorized a person under 18 years of age to perform;

(J) When the minor is, with parental consent, in a motor vehicle with a lawfully authorized driver;

(K) When the minor, who is a duly authorized and licensed driver, is operating a motor vehicle within The City of Morganfield for the purpose of passing through, by direct route, from one location to another either within or out of the city, including all minors that may also be within the vehicle;

(L) When the minor is married in accordance with law or has had his or her disability of nonage removed by a court of competent jurisdiction.

§131.04 ENFORCEMENT.

(A) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, street, or highway whose parent is believed to be in violation of §13.02 may stop and question such minor and request such information as his or her name and age and the name and address of his or her parent, guardian, or person having legal custody.

(B) If the police officer determines or has reasonable cause to believe that a curfew violation has occurred, the police officer may obtain from the minor the information necessary to issue a citation to the minor's parent, guardian, or person having legal custody.

(C) Any minor found in violation of §131.02 shall be:

(1) Directed to proceed immediately to his or her home; or

(2) Under the authority of KRS 630.030, may be taken into custody by an peace officer:

(a) Pursuant to an order of the Court for failure to appear before the Court for a previous status offense; or

(b) If there are reasonable grounds to believe that the child has been a habitual run away from his or her parent or person exercising custodial control or supervision of the child.

(3) With permission of the minor's parent, may be returned by the police officer to said parent. Permission to return a minor subsequent to a violation of any section of §131.02 may be given telephonically to the police officer by a minor's parent. A parent may also grant prior permission to The Morganfield Police Department to return that parent's minor child or children to

said parent, in the event said minor child or children are found in violation of §131.02, by providing written authorization on a form to be provided by The Morganfield Police Department. The Morganfield Police Department shall endeavor to make such authorization forms available to all parents residing in The City of Morganfield.

§131.05 CONSTRUCTION AND SEVERABILITY.

Severability is intended throughout and within the provisions of § 131.01 through § 131.05. If any provision, including any exception, part, phrase, or term, or the application thereof to any person or circumstances is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of the ordinance in any and all other respects shall not be affected thereby.

§ 131.99 PENALTY.

(A) Any parent, guardian, or person having legal custody of a minor allowing a minor to violate §131.02 shall be subject to a fine of no more than \$500.

First Reading July 28, 2016
(Date)

Second Reading August 25, 2016
(Date)

Dr. Darrell French	<u>Yes</u>
Justin Wolfe	<u>Yes</u>
Gary Lovell	<u>Yes</u>
Paul Monsour	<u>Yes</u>
Rick Wyatt	<u>Yes</u>
Alvin Russelburg	<u>Yes</u>

Dr, Darrell French	_____
Justin Wolfe	_____
Gary Lovell	_____
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Rick Wyatt	_____
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Published and Adopted: September 7, 2016

CITY OF MORGANFIELD

ATTEST:



DICKIE BERRY, MAYOR



GARY VETTER, CITY
ADMINISTRATOR