

**ORDINANCE 178**

**AN ORDINANCE ESTABLISHING A CURFEW FOR CHILDREN UNDER SIXTEEN YEARS OLD**

The City Council of the City of Bird Island does ordain as follows:

**SECTION I. DEFINITIONS**

- A. Responsible Adult: Parent, legal guardian, or adult person specifically pre-authorized by the parent or legal guardian to have care or custody of the juvenile person.
- B. Public Place: Any street, highway, sidewalk, alley, park, school grounds, public areas and public buildings, vacant or park lot, or other area ordinarily used by or available to the public, or any private premises, other than the usual residence of the juvenile, where a juvenile is present, without the knowledge and consent of the owner or person in charge of those premises.

**SECTION II. ACTS PROHIBITED WITHIN THE CITY**

- A. It shall be unlawful for any person under the age of sixteen (16) to be in or upon or loiter at any public place between the hours of 10:30 P.M., and 5:00 A.M., the following morning, unless accompanied by a responsible adult.
- B. It is unlawful for any parent, guardian, or other adult having the legal care or custody of any juvenile person to allow or permit the juvenile to violate subsection A.

**SECTION III. PENALTIES FOR VIOLATION**

- A. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, and subject to arrest without a warrant.
- B. Upon first offense, the juvenile under sixteen years old shall be taken and delivered to a responsible adult.
- C. Upon a second and very subsequent arrest, whether the person be a juvenile under sixteen years old, or a parent, guardian or other adult person having the care and custody of such juvenile, one or more of the following punishments may be imposed:
  - 1. Payment of a fine not to exceed \$50, plus the cost of prosecution
  - 2. Sixty days in the County Jail
  - 3. Participation in a community service project

**SECTION IV. EFFECTIVE DATE**

This Ordinance shall be effective upon adoption and publication provided by law.

Passed by the City Council of the City of Bird Island this 9 day of October, 1995.

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Mayor Paul Setzepfandt

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Deb Lingl, City Clerk