

Ordinance 15 – 2000

An Ordinance Establishing A Curfew for The Civil Town of Mooresville

WHEREAS, the Civil Town of Mooresville has an interest in providing Ordinances for the health, safety and general welfare of the community; and,

WHEREAS, there are several problems in our society which the Town feels that it has a duty to help protect the youth of the community from including drug and alcohol abuse, sexually transmitted disease, and crime commission and victimization amongst others, all of which are exacerbated during late night hours and early morning hours, when fewer opportunities for adult supervision exist; and,

WHEREAS, the youth of our community have rights to grow, develop and express themselves, but by virtue of their age, lack of worldly experience and lack of full maturity they have yet to reach and achieve all rights that adults enjoy; and,

WHEREAS, statistics establish that in the absence of a curfew law, youth will be unsupervised in public places late at night and in early morning hours frequently exposing them to some of the aforementioned social problems; and,

WHEREAS, Courts across the nation have examined curfew laws and have found that State and local governments have a substantial and compelling interest in determining when youth may be unsupervised in public places in light of the dangers that may befall juveniles and the community in the absence of supervision; and,

WHEREAS, a curfew law provides not only a tool for law enforcement to protect youth and the community, but serves to empower parents to set and enforce limits on the activities of their children;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Civil Town of Mooresville as follows:

SECTION I. Curfew Hours for Children Fifteen (15), Sixteen (16) and Seventeen (17) years of age.

It shall be a violation of this Ordinance for a child fifteen (15), sixteen (16) or seventeen (17) years of age to be in a public place in the Civil Town of Mooresville at any time during the following curfew hours:

- a. Between 1:00 am and 5:00 am on Saturday or Sunday
- b. After 11:00 pm on Sunday, Monday, Tuesday, Wednesday or Thursday; or
- c. Before 5:00 am on Monday, Tuesday, Wednesday, Thursday or Friday

SECTION II. Curfew Hours for Children Younger than Fifteen (15) years of age.

It shall be a violation of this Ordinance for a child younger than fifteen (15) years of age to be in a public place in the Civil Town of Mooresville after 11:00 pm or before 5:00 am on any day.

SECTION III. Application

Sections I and II of this Ordinance do not apply to a child who is:

- a. Accompanied by the child's parent, guardian or custodian;
- b. Accompanied by an adult specified by the child's parent, guardian or custodian; or
- c. With the consent of the child's parent, guardian or custodian, either participating in, going to or returning from:
 1. Lawful employment
 2. A school sanctioned activity; or
 3. An expressive, religious or associational activity protected by either Federal or State law, including but not limited to the free exercise of religion, freedom of speech and the right of assembly.

SECTION IV. Enforcement

A child who commits a violation of this Ordinance is subject to the enforcement procedures provided in IC 34-28-5-1 and all amendments thereto. Whenever a complaint is filed against a child for a violation of this Ordinance, the Town Police Department shall direct a copy of the complaint to the child's parent, guardian or custodian, and further shall attempt to reach the child's parent, guardian or custodian to pick them up if such person is known or can be identified by reasonable inquiry.

In addition, the Court may impose a fine along with Court costs, said fine not to be in excess of Twenty-Five dollars (\$25.00).

In addition to the imposition of fines, the Court, upon request, shall order such injunctive relief as is appropriate and necessary to prevent a child from committing further violations of this Chapter.

SECTION V. Curfew, Responsibilities of Parent, Guardian or Custodian

It shall be a violation of this Ordinance for a parent, guardian or custodian of a child under the age of eighteen (18) years to knowingly allow the child to commit a curfew violation under this Chapter.

A violation of this Ordinance by a parent, guardian or custodian shall subject them to the same enforcement fines and Court costs and potential injunctive relief as is set out in Section IV above.

SECTION VI.

Should any provision of this Ordinance be declared, by a Court of competent jurisdiction, to be invalid for any reason, the remaining provision or provisions shall not be affected and shall remain in full force and effect if said remaining provisions can without the invalid provision or provisions being given the effect intended by the Town Council, otherwise the Council can declare the Ordinance repealed. To this end the provisions of the Ordinance and severable.

This Ordinance shall be in effect from and after its passage by the Town Council in compliance with the publication provisions of IC 36-3-4-14 for Ordinances containing penalties.

Approved this 5th day of September 2000.

Mooresville Town Council

John L. Clark
Toby Dolen
Mark Mathis
Andy Pygman
Tom Warthen
(Original signatures on file at Town Hall)

Attest:

Sandra Perry, Clerk/Treasurer
(Original signature on file at Town Hall)