

ORDINANCE NO. 2020-__

AN ORDINANCE OF THE TOWN BOARD OF TRUSTEES FOR THE TOWN OF OKARCHE, OKLAHOMA, AMENDING CHAPTER 13 OF THE OKARCHE MUNICIPAL CODE 2018 SUPPLEMENT ENTITLED “MISCELLANEOUS PROVISIONS & OFFENSES”, BY THE ADDITION OF A NEW ARTICLE 9 ENTITLED “CURFEW”; PROVIDING FOR RULES AND REGULATIONS ESTABLISHING A CURFEW IN THE TOWN OF OKACHE, OKLAHOMA; PROVIDING FOR SAVINGS; SEVERABILITY; REPEALER; CODIFICATION; PENALTY; DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

WHEREAS, in order to curb juvenile delinquency, promote family values, protect minors from predators and persons with ill-will, help unsure school attendance and for the maintenance of the health, safety and welfare of the community; this ordinance is hereby adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF OKARCHE, OKLAHOMA:

Section I: Chapter 13 of the Okarche Municipal Code 2018 Supplement is hereby amended by the addition of a new Article 9 which shall read as follows:

ARTICLE 9. CURFEW FOR MINORS

Section 10-901. CURFEW FOR MINORS

A. Definition. For the purpose of this Section, a minor shall mean any person under the age of eighteen (18) years but shall not include any person who is legally emancipated or certified as an adult.

B. Curfew Generally. No minor shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, to include, but not be limited to, driving, riding or parking any motorized or non-motorized vehicle in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 11:00 P.M. and 6:00 A.M. of the following day, of every night and morning in the week, except Friday and Saturday nights and the following morning, and between the hours of midnight on Friday and Saturday nights and 6:00 A.M. of the following morning.

C. Exceptions. The following shall constitute valid exceptions to the operation of Subsection B:

1. At any time, if the minor is accompanied by his or her parent, legal guardian or adult person having care and custody of the minor, or other person who has reached the age of 21 years

old and who is specifically approved by the minor's parent, legal guardian, or adult person having care and custody of the minor, which person shall be responsible for the acts of the minor;

2. Until the hour of 12:00 A.M. on any day of the week, if the minor is on an errand as directed by his or her parent, legal guardian or adult person having care and custody of the minor;

3. If the minor is legally employed, for the period from one-half hour before to one-half hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in the course of his or her employment. To come under this exception, the minor must be carrying a written statement from the employer attesting to the place and hours of employment;

4. Until the hour of 12:00 A.M. on any day of the week, if the minor is on the property of or the sidewalk directly adjacent to the building in which he or she resides or the buildings immediately adjacent thereto if the owner of the adjacent building does not object;

5. If the minor is coming directly home from a school activity or an activity of a religious or other voluntary association, or a place of public entertainment such as a movie, play, or sporting event. This exception will apply for one-half hour after the completion of such event. If the event is not commercial in nature or does not have a fixed, publicly known time at which it will end, the sponsoring organization must register the event with the police department at least 24 hours in advance, informing it of the time such event is scheduled to begin, the place at which it shall be held, the time at which it shall end, and the name of the sponsoring organization;

6. If the minor is exercising first amendment rights protected by the Constitution, such as the free exercise of religion, speech or assembly, provided the minor first has given notice to the chief of police by delivering a written communication signed by the minor and countersigned by a parent of the minor which specifies when, where, in what manner, and for what first amendment purpose the minor will be on the streets at night during the curfew period.

D. Violations.

1. A police officer who has probable cause to believe that a minor is in violation of this Section shall take such minor to an appropriate place of detention or to the minor's home. If the minor is taken to an appropriate place of detention, the minor's parents, legal guardian or other adult person having the care and custody of the minor at the time the violation of this Section shall be immediately contacted. When the parent, legal guardian or adult person having care and custody of such minor arrives at the police station, or when the minor is taken to the residence of such parent, legal guardian or adult person having care and custody of the minor, the parent, legal guardian or adult person having care and custody of the minor shall be given a copy of this ordinance and the notice as provided in subsection (D)(2). If no such parent, legal guardian or adult person having care and custody of the minor takes custody of the minor, the minor may be referred to an appropriate state agency, released to a responsible adult or relatives, or such other necessary action may be taken as the police officer deems appropriate.

2. In the case of a violation of this section by a minor, the minor may be referred to state or county juvenile authorities and in addition, the police officer or designee shall send the minor's parents, legal guardian or adult person having care and custody of the minor, written notice of the violation, by certified mail, return receipt requested, or by serving such notice personally on such person, warning them that further violations may result in the filing of a charge against such parent, legal guardian or adult person having care and custody of the minor for a violation of subsection (D)(3).

3. No parent, legal guardian or other adult person having the care and custody of a minor shall permit such minor to violate the provisions of Subsection B. In any prosecution for the violation of the provisions of this Section, proof that the minor violated Subsection B hereinabove, together with proof that the parent, legal guardian or adult person having the care and custody of such minor was given written notice of a previous violation of Subsection B as provided by Subsection D2, shall constitute in evidence a prima facie presumption that the parent, legal guardian or adult person having the care and custody of such minor permitted such minor to violate Subsection B of this Section.

4. Any parent, legal guardian or adult person having the care and custody of a minor who is contacted by the police pursuant to Subsection D1 hereinabove for a violation by such minor of Subsection B and who refuses to take custody of such minor, shall be guilty of an offense.

5. Any minor convicted of violating this section, by act or omission, shall be guilty of an offense and shall pay a maximum fine of \$170.00, plus court costs, assessments and fees. Any parent or guardian of a minor child convicted of violating this section, by act or omission, shall be guilty of an offense and shall pay a maximum fine of \$170.00, plus court costs, assessments and fees.

Section II. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section III. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV. CODIFICATION. This ordinance shall be codified as provided herein in the Okarche Municipal Code 2018 Supplement.

Section V. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the Town Council of the Town of Okarche that this section of the Okarche Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section VI. PENALTY. The penalty as set out in this ordinance is hereby adopted and established.

Section VII. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the Town and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect in order to provide for this curfew ordinance; By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

Approved and executed this 24th day of February 2020.

THE TOWN OF OKARCHE, OKLAHOMA

Jeff Sadler, Mayor

(Seal)

ATTEST:

Approved as to Form and Legality:

Dana Reese, Town Clerk

Bryce S. Kennedy, Jr., Town Attorney