

ORDINANCE NO. _____

**AN ORDINANCE TO ADOPT CURFEW
IN THE TOWN OF BRISTOL**

WHEREAS, the Town of Bristol has under Title XIII, General Offenses for regulating behavior of individuals inside the Town limits; and,

WHEREAS, the Town Believes it would be in the Town's best interests to have an Ordinance establishing a curfew for individuals under eighteen (18) years of age.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRISTOL THE FOLLOWING IS ESTABLISHED AS THE ORDINANCE REGULATING CURFEW IN THE TOWN OF BRISTOL AND SHALL BE PLACED IN THE TOWN ORDINANCES UNDER TITLE XIII, GENERAL OFFENSES AND SHALL BE KNOWN AS § 130.3 – CURFEW.

TITLE XIII – GENERAL OFFENSES § 130.3 CURFEW.

Section 130.31 Children Fifteen Through Seventeen Years of Age.

- a. It is a curfew violation for a child fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place:
 - (1) Between 1:00 a.m. and 5:00 a.m. on Saturday or Sunday;
 - (2) After 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or
 - (3) Before 5:00 a.m. on Monday, Tuesday, Wednesday, Thursday or Friday.

- b. A law enforcement officer may not detain a child or take a child into custody based on a violation of this section unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:
 - (1) The child has violated this section; and,
 - (2) There is no legal defense to the violation.

Section 130.32 Child Less than Fifteen Years of Age.

- a. It is a curfew violation for a child less than fifteen (15) years of age to be in a public place after 11:00 p.m. or before 5:00 a.m. on any day.
- b. A law enforcement officer may not detain a child or take a child into custody based on a violation of this section unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:
 - (1) The child has violated this section; and
 - (2) There is no legal defense to the violation.

Section 130.33 Parental Responsibility.

It shall be unlawful for a parent, grandparent, or legal guardian (hereafter referred to as “Parent”) having legal custody of a juvenile knowingly to permit or by inefficient control to allow the juvenile to be in any public place within Bristol under circumstances not constituting an exception to, or otherwise beyond the scope of, the Ordinance. The term “knowingly” includes knowledge that a Parent should reasonably be expected to have concerning the whereabouts of a juvenile in that Parent’s legal custody. This requirement is intended to hold a neglectful or careless Parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a Parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

Section 130.34 Establishment Operator Responsibility.

It shall be unlawful for any operator of an establishment to knowingly permit a juvenile to remain at the establishment under circumstances not constituting an exception to, or otherwise beyond the scope of, the Ordinance. The term “knowingly” includes knowledge that an operator should reasonably be expected to have concerning the patrons of the establishment. The standard for “knowingly” shall be applied through an objective test: whether a reasonably person in the operator’s position should have known that the patron was a juvenile in violation of the Ordinance.

Section 130.35 Defenses.

- a. It is a defense to a violation under this Ordinance that the child was emancipated:
 - (1) under I.C. 31-37-19-27 or I.C. 31-6-4-15.7 (before its repeal);
 - (2) By virtue of having married; or
 - (3) In accordance with the laws of another state or jurisdiction;

at the time that the child engaged in the prohibited conduct.

- b. It is a defense to a violation under this Ordinance that the child engaged in the prohibited conduct while:
- (1) Accompanied by the child's parent, guardian, or custodian;
 - (2) Accompanied by an adult specified by the child's parent, guardian, or custodian;
 - (3) Participating in, going to, or returning from:
 - (A) Lawful employment;
 - (B) A school sanctioned activity;
 - (C) A religious event;
 - (D) An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - (E) An activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or
 - (F) An activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults;
 - (4) Participating in an activity undertaken at the prior written direction of the child's parent, guardian, or custodian; or
 - (5) Engaged in interstate or international travel from a location outside Indiana to another location outside Indiana.

Section 130.36 Conformance with State Statutes.

The provisions of this Ordinance are intended to comply with Indiana Code 31-37, Chapter 3. To the extent this Ordinance conflicts, the provisions of I.C. 31-37, Chapter 3 shall supersede the provisions of this Ordinance.

Section 130.37 Penalty.

- a. The violation of § 130.31 and § 130.32 shall be considered an Ordinance violation, the fine for which shall be \$50.00 for the first violation and \$100.00 for any subsequent violation during the same calendar year.
- b. The violation of § 130.33 and § 130.34 shall be considered an Ordinance violation, the fine for which shall be \$100.00 for the

first violation and \$200.00 for any subsequent violation during the same calendar year.

IN WITNESS WHEREOF, the above-stated Ordinance has been duly adopted this _____ day of _____, 2007.

BRISTOL TOWN COUNCIL

By: _____
Thomas Stutsman

By: _____
Barbara Long

By: _____
Daniel Watson

By: _____
Daniel Reed

ATTEST:

Mary Ryman, Clerk/Treasurer