

CURFEW

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130.30 CHILDREN 15 THROUGH 17 YEARS OF AGE.

(A) It is a curfew violation for a child 15, 16, or 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.
- (Ord. 12-20-07, passed 12-20-07)

130.31 CHILD LESS THAN 15 YEARS OF AGE.

(A) It is a curfew violation for a child a public place after 11:00 p.m. or before 5:00 a.m. on any day.

(B) A law enforcement officer may 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.
- (Ord. 12-20-07, passed 12-20-07)

130.32 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 the town under circumstances not constituting an exception to, or otherwise beyond the scope of, the chapter. 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.
(Ord. 12-20-07, passed 12-20-07)

130.33 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 chapter. 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 reasonable person in the operator's position should have known that the patron was a juvenile in violation of the chapter.
(Ord. 12-20-07, passed 12-20-07)

130.34 DEFENSES.

(A) It is a defense to a violation under this chapter 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 chapter 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 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 the state to another location outside the state.

(Ord. 12-20-07, passed 12-20-07)

130.99 PENALTY.

(A) The violation of §§ 130.31, 130.32 shall be considered a chapter violation, the fine for which shall be \$50 for the first violation and \$100 for any subsequent violation during the same calendar year.

(B) The violation of §§ 130.33, 130.34 shall be considered a chapter violation, the fine for which shall be \$100 for the first violation and \$200 for any subsequent violation during the same calendar year.

(Ord. 12-20-07, passed 12-20-07)