

# CITY OF MEADOW VALE

## Ordinance #3, Series 2002-2003

AN ORDINANCE REPEALING AND REPLACING ALL CITY ORDINANCES RELATING TO

- (1) TRAFFIC CONTROL AND VEHICULAR PARKING;
- (2) PUBLIC NUISANCES;
- (3) JUVENILE CURFEW;
- (4) DISCHARGE OF WATER ONTO PUBLIC ROADWAYS; AND
- (5) ANIMALS

WHEREAS, the City of Meadow Vale desires to repeal and replace the ordinances most often utilized by the Meadow Vale Police Department in day to day enforcement,

AND WHEREAS, the City of Meadow Vale has reviewed those ordinances most often enforced by the Police Department, namely, all those involved with Traffic Control and Parking; Nuisance, Animals and Juvenile Curfew and has re-drafted same,

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MEADOW VALE, KENTUCKY:

SECTION I: All City of Meadow Vale ordinances concerning Traffic Control and Parking; Nuisances and Juvenile Curfew are hereby repealed and replaced as follows:

### CHAPTER 3 - JUVENILE CURFEW

#### SECTION 1: Definitions

The following words, terms and phrases when used in this Ordinance shall have the meaning ascribed to them in this Ordinance, unless the context clearly indicates or requires a different meaning:

- (a) "MINOR" Any person under the age of eighteen (18), or as may otherwise phrased, any person of seventeen (17) or under.
- (b) "PARENT" Any person having legal custody of a minor:
  - i. As a natural or adoptive parent;
  - ii. As a legal guardian;
  - iii. As a person who stands ' in loco parentis' or; iv. As a person whom legal custody has been given by order of court.
- (c) "REMAIN" To stay behind, tarry, linger, congregate, move about, wander, stroll, or stay unnecessarily upon or in any public assembly, building, place, street, or highway.
- (d) "ALLOW" Either permit or neglect to prevent. It requires actual or constructive knowledge on the part of the parent or legal guardian, that is, the parent or guardian must actually know about the minor violating this section, or the

circumstances must be such that a reasonably prudent parent or guardian should have known the minor was violating this section.

## **SECTION 2: Curfew Schedule**

- (a) It shall be unlawful for any person under the age of eighteen (18) to be or remain in or upon any public assembly, building, place, street, or highway within the City of Meadow Vale at night during the following periods:
- 12:00 a.m. to 6:00 a.m. Saturday
  - 12:00 a.m. to 6:00 a.m. Sunday
  - 11:00 p.m. Sunday to 6:00 a.m. Monday
  - 11:00 p.m. Monday to 6:00 a.m. Tuesday
  - 11:00 p.m. Tuesday to 6:00 a.m. Wednesday
  - 11:00 p.m. Wednesday to 6:00 a.m. Thursday
  - 11:00 p.m. Thursday to 6:00 a.m. Friday
- (b) It shall be unlawful for any parent or guardian having legal custody of a minor to allow such minor to be or remain in or upon a public assembly, building, place, street, or highway in the City of Meadow Vale under circumstances not constituting an exception as enumerated in Section 3 during the time periods contained in Section 2.

## **SECTION 3: Exceptions**

- (a) In the following exceptional cases a minor observed in or upon any public assembly, building, place, street, or highway in the City of Meadow Vale during nocturnal hours provided for in Section 2(a) shall not be considered in violation of this ordinance:
1. When the minor is accompanied by a parent or guardian;
  2. When accompanied by an adult authorized by a parent or guardian of such minor;
  3. When exercising first amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech, and the right of assembly, provided that written notice signed by the minor and countersigned by the parent is in the possession of said minor specifying when, where and in what manner said minor will be exercising such First Amendment rights;
  4. In the case of reasonable necessity but only after such minor's parent has communicated, in writing, the Department of Police the facts establishing said necessity;
  5. When the minor is on the sidewalk continuous to the place where the minor resides, or on the sidewalk contiguous with the next door neighbor who has not communicated an objection to the police officer or the department of police;
  6. When returning home, by a direct route from, and within one (1) hour of termination of a school activity or an activity of a religious or other voluntary association, provided that justification indicating the place and

time of termination of said event can be given to any investigating officer of the division of police;

7. When authorized by permit issued by the Mayor or his designee in cases of reasonable necessity involving more minors than may be reasonably dealt with on an individual basis. Such regulation should be issued sufficiently in advance to enable the use of publicity through news media and through other agencies such as the schools. The regulation shall define the activity, the scope of the use of the public assembly, building, place, street, or highway permitted, and the time involved not to extend more than one (1) hour beyond the time of termination of said activity, and the reason for deeming that such regulation is reasonably necessary. The commissioner of public safety shall notify the Chief of Police of said information.
8. When engaged in a business or occupation which laws of Kentucky authorize a person under eighteen (18) years to perform with satisfactory evidence of such is provided to the Department of Police.
9. When the minor, who is a duly authorized and licensed driver, is operating a motor vehicle within the City of Meadow Vale for the purpose of passing through, by direct route, from one location to another either within or out of the county, including all minors that may also be in the vehicle;
10. When the minor is, with parental consent, in a motor vehicle with a lawfully authorized driver;
11. When a minor is married in accordance with the law or had disability of non-age removed by court of competent jurisdiction.

#### **SECTION 4: Police Procedure Regarding Suspected Curfew Violations**

- (a) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, street or highway whose parent is believed to be in violation of Section 2 of this ordinance may stop and question such minor and request such information as his or her name, and age and the names and addresses of his or her parent(s), guardian(s) or person(s) having legal custody.
- (b) If the police officer determines or has reasonable cause to believe that the curfew violation has occurred, the police officer may obtain from the minor the information necessary to issue a citation to the minor's parent, guardian, or person having legal custody.
- (c) Any minor found in violation of Section 2 of this Ordinance shall be:
  1. Directed to proceed immediately to his or her home by the law enforcement officer; or
  2. Under the authority of KRS 630.303, may be taken into custody by any peace officer: i. Pursuant to an order of the court for failure to appear before the Court for a previous status offense; or ii. If there are reasonable grounds to believe that the child has been a habitual runaway from his or her parent(s) or person(s) exercising custodial control or supervision of the child.