

ORDINANCE #198

An Ordinance of the Town of Youngsville
Setting Curfew Hours for Minors

- WHEREAS, it has been determined that there exists in the Town of Youngsville, a problem resulting from juvenile violence, juvenile gang activity and crime by persons under the age of seventeen; and
- WHEREAS, persons under the age of seventeen are particularly vulnerable to involvement in unlawful and gang-related activities and to be victims of older perpetrators; and
- WHEREAS, the Town of Youngsville has an obligation to provide for the protection of minors from each other and from other persons, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activity, and
- WHEREAS, it is believed that a curfew for those under the age of seventeen will be in the interest of public health, safety, and general welfare, and will help to attain the foregoing objectives and to reduce the undesirable impact of such conduct on the citizens of the Town of Youngsville;

NOW, THEREFORE, BE IT ORDAINED by the Town of Youngsville hereby issuing the following which shall read as follows:

SECTION 1 CURFEW HOURS FOR MINORS

(a) Definitions

- (1) Curfew Hours means
 - (A) 11:00PM on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00AM of the following day; and
 - (B) 12:01AM until 6:00AM on any Saturday or Sunday.
- (2) MINOR means any person under 17 years of age who has not been emancipated judicially or by marriage, under Louisiana law.
- (3) CUSTODIAN means a "parent" as defined in Louisiana Children's Code, Article 116, or a person with "legal custody" as defined in Louisiana Children's Code, Article 116, or a person of full age and majority to whom the care or supervision of the child has been temporarily and lawfully delegated or assigned.
- (4) PUBLIC PLACE means any public street, private street, sidewalk, public building, and apartment open space, vacant lot or other place used by or open to the public.
- (5) ESTABLISHMENT means any privately owned place where business is carried on for profit or any place of amusement or entertainment to which the public is invited.
- (6) REMAIN means to tarry, stay, loiter, idle, wander, stroll, or play.

(7) PERMIT means to knowingly allow or knowingly fail to prevent due to lack of reasonable efforts or concern or due to failure to supervise or control.

(8) EMERGENCY means any circumstances, situation, or occurrence which may produce or result in serious consequences and requires immediate action. An emergency includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(9) DIRECT ROUTE means the shortest path of travel on or through a public place, or if using transportation, then along the most direct route offered, to reach a final destination without any detour or stop along the way.

(b) Offenses

(1) A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the town during curfew hours.

(2) A custodian of a minor commits an offense if he/she knowingly permits or by insufficient control allows a minor to remain in any public place or on the premises of any establishment within the town during curfew hours.

(c) Exceptions. The following are exceptions to violations under this section:

(1) This section shall not apply to minors who are:

(A) accompanied by the minor's custodian.

(B) on an errand necessary for the health or well-being of the minor, his immediate family and/or his custodian, that cannot be done by the custodian or other adult in the same household, at the direction of the minor's custodian and while using a direct route;

(C) in a motor vehicle involved in interstate travel;

(D) engaged in an employment activity pursuant to the minor's custodian's direction, or going to or returning home from an employment activity and using a direct route;

(E) In violation of curfew hours as a result of an emergency;

(F) on a sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor, absent a complaint concerning the minor's presence, or a complaint of excess noise or behavior that upsets the peace and tranquility of the neighborhood, communicated to a law enforcement officer by any neighbor whose property is within 125 feet of the sidewalk to which this exception applies;

(G) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the town or another similar entity that takes responsibility for the minor, or going to or returning home from such an activity by a direct route;

(d) Penalties

- (1) Any minor who violates a provision of this Ordinance, upon the first offense, will be given a warning, to include notification of the specific illegal conduct observed and of the consequences subsequent violations. The minor's custodian will also be issued written notice of a first offense which will include a description of the illegal conduct and the consequences of subsequent violations.
- (2) Any minor who violates the provisions of this Ordinance, upon a second offense, may be adjudicated a delinquent, as defined in the Louisiana Children's code and may be dealt with in accordance with the Louisiana Department of Corrections policies regarding placement with their agency.
- (3) Any custodian of a minor found to be in violation of this Ordinance, upon a second offense, shall be found guilty of a misdemeanor, which shall be punishable by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars.

SECTION 2

This Ordinance shall become effective immediately upon the signature of the Mayor of Youngsville or upon override of any veto, whichever occurs first.

SECTION 3

All Ordinances or Resolutions, or part thereof, in conflict herewith, are hereby repealed.

Lucas S. Denais

 Mayor Lucas S Denais
 Town of Youngsville

Rebecca Langlais

 Rebecca Langlais
 Clerk
 Town of Youngsville