

ORDINANCE 03-02-09-1
CURFEW ORDINANCE

STATE OF ALABAMA
GENEVA COUNTY
CITY OF HARTFORD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARTFORD, ALABAMA AS FOLLOWS:

SECTION I: Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Hartford, Geneva County, Alabama, with administrative offices at 203 West Main Street, Hartford, Alabama 36344.

Minor/Juvenile means any person 18 years of age or younger and not emancipated.

Parent means any person having legal custody of a minor:

- (1) As a natural adoptive;
- (2) As a legal guardian;
- (3) As a person who stands in loco parentis; or
- (4) As a person to whom legal custody has been given by order of court.

Street means a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or, in the case of a sidewalk, for pedestrian travel. The term "street" includes the legal right-of-way including, but not limited to, the cartway or traffic lanes, the curb, the sidewalks (whether paved or unpaved), and any grass plots or other grounds found within the legal right-of-way of a street. The term "street" applies irrespective of what it is called or formally named, whether an alley, avenue, court, road or otherwise.

Time of night means based upon the prevailing standard of time whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public in the City, and prima facie the time then observed in the City administrative offices and police department.

SECTION II: Penalty for violation of Ordinance. Upon a violation of this Ordinance for the first time, a parent shall be given a warning citation. A parent, upon further violations, shall be summoned to municipal court and if convicted may be fined up to \$500.00 and/or six months in jail. Upon further violations, a minor/juvenile shall be subject to and dealt with under proper procedure in juvenile court pursuant to state law. Each violation of this Ordinance shall constitute a separate offense.

SECTION III: Restrictions enumerated.

(a) It is unlawful for any minor 18 years of age or younger to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any place unsupervised by an adult having the lawful authority to be at such places, between the hours of 10:00 p.m. on any weekday and 6:00 a.m. of the following day and 12:00 midnight on weekend days (Friday and Saturday) and 6:00 a.m. of the following day, provided that the provisions of this section shall not apply in the following instances:

- (1) When a minor is accompanied by his parent or guardian having the lawful care and custody of the minor;
- (2) When the minor is upon an emergency errand directed by his parent or guardian having the lawful care and custody of such minor;
- (3) When the minor is returning directly home from a school activity, entertainment, recreational activity or dance;
- (4) When the minor is going to or returning directly home from lawful employment that makes it necessary to be in the places described in subsection (a)(3) of this section during the prescribed period of time;
- (5) When the minor is attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion;
- (6) When the minor is in a motor vehicle with parental consent for normal travel in interstate and intrastate travel through the City.

(b) It shall be unlawful for the parent, guardian, or other person having custody or control of any child 18 years of age or younger to permit, or by insufficient control to allow, such child to be in or upon the public streets or any other places listed in subsection (a) of this section within the City between the hours of 10:00 p.m. on any weekday and 6:00 a.m. of the following day and 12:00 midnight on weekend days (Friday and Saturday) and 6:00 a.m. of the following day, except in circumstances set out in subsection (a)(1)--(a)(6) of this section.

SECTION IV: Police procedures.

(a) A police officer of the City, upon finding or having attention called to any minor on the streets in violation of this Ordinance, normally shall take the minor to the police department, where a parent shall immediately be notified to come for such minor, whereupon he/she shall be questioned. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the supervisor there and then on duty for accurate, effective, fair, impartial and uniform enforcement and recording, thus making available experienced supervisory personnel, the best of facilities and access to information and records. In the absence of convincing evidence such as a birth certificate or driver's license, a police officer on the street shall in the first instance use his best judgment in determining age.

(b) Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the police officer may deliver to a parent thereof a minor under

appropriate circumstances, for example a minor of tender age near home whose identity and address may readily be ascertained or are known.

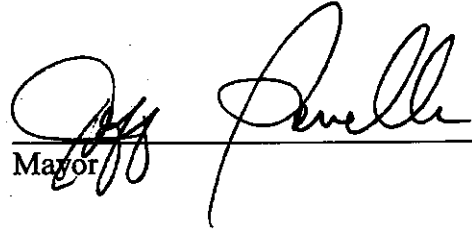
(c) In any event, such police officer shall, within 24 hours, file a written report with the chief of police.

(d) When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will on behalf of a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent.

(e) In the case of a first violation by a minor, the chief of police shall, by certified mail, send to a parent written notice of such violation with a warning that any subsequent violation will result in full enforcement of this ordinance, including enforcement of parental responsibility and of applicable penalties.

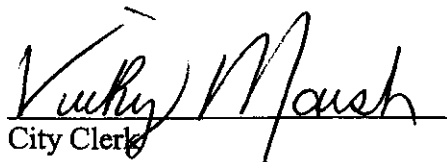
SECTION V: Effect. This ordinance shall become effective immediately upon its adoption and publication as required by law.

Adopted and approved by the City Council of the City of Hartford, Alabama on this the 16 day of March, 2009.



Mayor

ATTEST:



City Clerk

