

chptr 8

**ORDINANCE 2006-01
CURFEW ORDINANCE**

Section 1: Purpose: The purpose of this ordinance is to establish a curfew period during which minors shall not be allowed to remain or loiter upon any of the public streets, avenues, highways, alleys, parks, or other public places in the Town of Broadus, Montana. Further, additional purposes of this ordinance are:

- a. To reduce minor violence and crime within the town;
- b. To protect minors from becoming involved in unlawful drug activities and from becoming victims of crime; and
- c. To strengthen the parents' responsibility for children.

Section 2: Scope: The provisions of this ordinance are intended to apply to all minors under the age of 18 years.

Section 3: Definitions: As used in this ordinance, the following definitions shall apply:

Town: The local government of the Town, all of the area located within its boundaries, and properties owned by the Town.

Curfew: This ordinance and any future amendments hereto.

Emergency: Emergency shall include, but not limited to, fire, natural disaster, an automobile accident, or obtaining immediate medical care for another person.

Minor: Any person, male or female, who has not attained the age of 18 years.

Minor child(ren): Any minor(s) over whom an adult has legal custody of: (i) by being the natural or adoptive parent of such minor; (ii) by being the legal guardian of such minor; or (iii) by being given legal custody of such minor by order of court.

Parents: Any person(s) having legal custody of a minor: (i) as a natural or adoptive parent; (ii) as a legal guardian; or (iii) as a person to whom legal custody has been given by order of court.

Public Place: Any park, playground, school yard, or other publicly-owned property within the jurisdiction of the Town to which the public or a substantial group of the public has access and includes, but is not limited to, streets, avenues, highways, and the common areas of the schools, clinic, and shops.

Streets & Avenues: Any public street, avenue, highway, sidewalk, parking lot, alley or other public way within the jurisdiction of the Town.

Section 4: Curfew established for minors: A curfew restricting the time of day during which minors may remain or loiter on any of the streets, avenues, or in any of the public places of the Town, is hereby established. No minor shall remain or loiter upon any street, avenue, or public place in the Town between the hours of 11:00 p.m. and 6:00 a.m., except on Friday or Saturday nights and on any other night preceding a holiday recognized by the United States of America, State of Montana, or the Town of Broadus, for which the curfew hours shall be between 12:00 midnight and 6:00 a.m.

Section 5: Exceptions: A minor remaining or loitering upon any street, avenue, or public place within the Town during the curfew hours provided herein shall not be considered in violation of this curfew when:

- (1) Accompanied by a parent of such minor;
- (2) In the performance of an emergency act;
- (3) Attending a school, government or religious activity. This exception will apply for one-half hour before to one-half hour after such activity; or
- (4) Engaged in legally recognized employment. This exception will apply for the period from one-half hour before to one-half hour after work.

Section 6: Penalty for violation: Violations and convictions of this ordinance by a minor shall result in the imposition of the following fines:

1 st violation	\$25.00
2 nd violation	\$50.00
All subsequent violations	\$50.00

Section 7: Severability: If any provision of this curfew ordinance shall be held invalid or unenforceable, none of the other provisions of this ordinance shall thereby in any way be affected, impaired, or rendered inoperative but shall be given full force and effect as if all the provisions of this ordinance were lawfully valid and enforceable.

Section 8: Revoke: After this ordinance becomes effective, it shall serve to revoke all other curfew ordinances or resolutions heretofore adopted.

Section 9: Effective Date: This ordinance shall be come effective thirty (30) days after it is passed upon second reading.

Moved, seconded, and passed first reading this 4th day of April, 2006.

Lyman Amsden
Lyman Amsden, Mayor

ATTEST:

Peggy Sue Fruit
Peggy Sue Fruit, Clerk

Moved, seconded, and passed second reading this 6th day of June, 2006.

Lyman Amsden
Lyman Amsden, Mayor

ATTEST:

Peggy Sue Fruit
Peggy Sue Fruit, Clerk

effective Date: July 4, 2006

