

City of Montpelier, State of Idaho

Ordinance No. 623

AN ORDINANCE ESTABLISHING A CURFEW FOR INDIVIDUALS UNDER THE AGE OF 18 YEARS, SETTING FORTH THE CURFEW TIMES, EXCEPTIONS, AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.

Whereas, the City of Montpelier has a vested interest in maintaining, protect and preventing juvenile crime; and

Whereas, the City of Montpelier has a vested interest to provide for the further health and safety and welfare of the public; and

Whereas, the City of Montpelier has a vested interest to protect juvenile health and welfare which includes their care, guidance, and control; and

Whereas, a curfew promotes these interest and tends to reduce instances of juvenile nocturnal crime; and

Whereas, a child who is unaccompanied by an adult having custodial rights or an adult person designated by a person having custodial rights and who remains upon public streets, highways, roads, alleys, parks, playground or other public ground, places, building, places of amusement, eating places, vacant lots or other locations, unsupervised by such adult, having unlawful authority to be at such place during certain evening and early morning hours is at greater risk for injury, becoming a victim of crime, being involved in criminal activity, being a danger to persons or property or otherwise being subject to danger;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MONTPELIER, STATE OF IDAHO AS FOLLOWS:

- (a) Juveniles under the age of eighteen years: It shall be unlawful for any juvenile who is under the age of eighteen years to remain upon any street, highway, road, alley, park, playground or other public place, or building or place of amusement, eating establishments, vacant lots and/or any other place, without being accompanied by an adult having custodial rights or an adult person designated by the adult having custodial rights of said child during the weekdays, specifically Sunday through Thursday, between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. of the following day, provided that the provisions of this section shall not apply in the instances noted in Section2 of this section.
 - (i) Friday and Saturday: It is unlawful for any juvenile who is under the age of eighteen to remain upon any street, highway, road, alley, park, playground or other public places, or buildings or places of amusement, eating establishments, vacant lots and/or any other place, without being

accompanied by an adult having custodial rights or an adult person designated by the adult having custodial rights of said child during the weekends, specifically Friday and Saturday, between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. of the following day, provided that the provisions of this section shall not apply in the instances noted in Section 2 of this section.

Section 2: Exceptions – Subsections 1a through 1c of the Ordinance Shall Not Apply In the Following Instances: Notwithstanding any other provision in this ordinance, the prohibitions of this ordinance shall not apply:

- (a) When the child is upon an emergency errand directed by his or her parent or guardian or other adult person having the lawful care and custody of such juvenile.
- (b) When the child is returning directly home from a school activity, school entertainment, school or recreational activity or school dance.
- (c) When the child is either going to or going from his or her place of resident to lawful employment and/or is working at the child's place of employment.
- (d) When the child is attending or traveling directly to or from an activity involving the lawful exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion.
- (e) When the child is in a motor vehicle with parental consent for normal travel with interstate travel through the county.

Section 3: Penalty: Any person found violating any provision of this Ordinance shall be guilty of a misdemeanor, punishable as set forth in Idaho Code Section 20-549 by a fine up to \$300.00 and detention up to thirty (30) days.

Section 4: Severability: If any provision of this Ordinance is determined by a court of competent jurisdiction to be otherwise void or unenforceable, all remaining sections shall be considered enforceable.

This Ordinance shall be in full force and effect from and after its passage and approval, and publications provided by law.

PASSED AND APPROVED by the Mayor and the City Council of the City of Montpelier, Bear Lake County, Idaho , this 20th day of October, 2010.



Reed Peterson, Mayor

ATTEST:

