

ORDINANCE 02-410

AN ORDINANCE TO ESTABLISH CURFEW TIMES WITHIN THE TOWN OF BATTLE GROUND, INDIANA

WHEREAS, the Town Council of the Town of Battle Ground, Indiana finds that the citizens of the Town have suffered losses from the damage or destruction of private and public property and have been intimidated by the presence of older children unattended at night and frequenting public and private property within the Town and,

WHEREAS, the incidence and frequency of acts of vandalism and intimidation have given rise to greater numbers of complaints and to a deterioration in the safety of the community, and

WHEREAS, the Town Council finds that the curfew prescribed by State Law is later than is reasonable for public safety under the conditions found to now exist in the Town of Battle Ground.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA AS FOLLOWS:

Section 1: Curfew. Pursuant to the authority of I.C. 31-6-4-2(d), it shall be a curfew violation for a child fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place:

- (a) after 11:00 p.m. on Friday and Saturday; or
- (b) after 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or
- (c) before 5:00 a.m. on any given day.
- (d) It is a curfew violation for a child under fifteen (15) years of age to be in a public place after 10:00 p.m. or before 5:00 a.m. on any given day.

Section 2. Statutory Exceptions. The foregoing section does not apply to a child who is:

- (a) accompanied by his or her parent, guardian or custodian;
- (b) accompanied by an adult specified by his parent, guardian, or custodian; or
- (c) with the consent of his or her parent, guardian, or custodian, participating in, going to, or returning from:
 - (1) lawful employment;
 - (2) a school sanctioned activity;
 - (3) a religious event;
 - (4) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;

(5) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or

(6) an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults; or

(d) engaged in interstate or international travel from a location outside Indiana to another location outside of Indiana.

Section 3. Effective Date. This Ordinance shall supersede any previously adopted Ordinance by the Town Council of the Town of Battle Ground and shall be effective upon passage and publication in accordance with law.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND,
INDIANA, THIS 13th day of January 2003

Carolyn M. Roth
Presiding Officer

ATTEST:
Phyllis Hall
Phyllis Hall, Clerk-Treasurer