

ORDINANCE NO. 94-7

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WESTVILLE, LAPORTE COUNTY, INDIANA, ESTABLISHING A CURFEW FOR MINORS AND PARENTAL OR CUSTODIAL RESPONSIBILITY

WHEREAS, the Town Council of the Town of Westville determines it appropriate to enact a formal curfew ordinance for the Town to apply to juveniles under the age of eighteen (18) years; and,

WHEREAS, in fulfillment of their parental responsibilities, parents or custodians of the minor child violating this curfew ordinance should be held responsible for their child's violation of this ordinance, and

WHEREAS, the Town Council has determined that for the Town of Westville, Indiana, public safety requires the advancement of the statutory time for curfew by one (1) hour pursuant to I.C. 31-6-4-2.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTVILLE, LAPORTE COUNTY, INDIANA, as follows:

CURFEW:

A. No parent, guardian, or other custodian of any child age fifteen (15), sixteen (16) or seventeen (17) years of age shall permit that child to be in a public place:

1. Between 12:01 a.m. and 5:00 a.m. on SATURDAY and SUNDAY;
2. After 10:00 p.m. on SUNDAY, MONDAY, TUESDAY, WEDNESDAY, or THURSDAY; or
3. Before 5:00 a.m. on MONDAY, TUESDAY, WEDNESDAY, THURSDAY, or FRIDAY.

B. It is a curfew violation for a child under 15 years of age to be in a public place after 10:00 p.m. or before 5:00 a.m. on any day.

C. This ordinance does not apply to a child who is:

1. Accompanied by his parent, guardian, or custodian;
2. Accompanied by an adult specified by his parent, guardian, or custodian; or
3. Participating in, going to, or returning from:
  - a. Lawful employment;

- b. A school sanctioned activity; or
- c. A religious event.

AUTHORITY OF POLICE DURING CURFEW HOURS

A. Each police force member, based upon probable cause, may stop and question any minor suspected of violating this chapter's provisions and may take the minor into custody when found violating any provisions of this ordinance. The officer shall take the minor to the Town police headquarters where the name of the minor's parent, guardian, or person having legal custody of them shall be ascertained.

B. The parent, guardian, or person having legal custody shall be notified or summoned by the investigating officer to appear at the police headquarters to complete the investigation.

C. The investigating or apprehending officer, if satisfied that a violation has occurred, shall cause a citation for the violation of this ordinance to be issued to said offending parent, guardian or custodian.

PENALTY

A. Whoever violates any provisions of this ordinance shall be punished by a fine of not more than \$500. In addition, any minor violating any provision of this ordinance may be referred to the LaPorte County Juvenile Probation Department, the LaPorte County Prosecutors Office Juvenile Division, and/or to the LaPorte County Superior Court No. 2, which court has juvenile jurisdiction, for further proceedings regarding the juvenile's curfew violation.

This Ordinance shall be effective from and after its date of adoption and any publication required by law.

PASSED AND ADOPTED by the Town Council of the Town of Westville, LaPorte County, Indiana, this 4 day of JANUARY, 1995.

Jim Mays  
Council Member

Michael Albert  
Council Member

Gregory Fournier  
Council Member

Charles Hallerstedt  
Council Member

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Council Member

ATTEST:

Carol Rotzien  
Carol Rotzien, Clerk-Treasurer