

GENERAL ORDINANCE NO. 3, 2000

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF LAFONTAINE, INDIANA, AS FOLLOWS:

**SECTION 1.** It is unlawful for a child sixteen (16) or seventeen (17) years of age to be in a public place in the Town of LaFontaine, Indiana, at any time during the following curfew hours:

- 1) Between one o'clock (1:00) a.m. and five o'clock (5:00) a.m. on Saturday or Sunday;
- 2) After eleven o'clock (11:00) p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or
- 3) Before five o'clock (5:00) a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

**SECTION 2.** It is unlawful for a child younger than sixteen (16) years of age to be in a public place in the Town of LaFontaine, Indiana, after eleven o'clock (11:00) p.m. or before five o'clock (5:00) a.m. on any day.

**SECTION 3.** Sections 1 and 2 of this Ordinance shall not apply to a child who is:

- 1) Accompanied by the child's parent, guardian, or custodian;
- 2) Accompanied by an adult specified by the child's parent, guardian, or custodian; or,
- 3) With the consent of the child's parents, guardian, or custodian, either participating in, going to, or returning from:
  - a) Lawful employment;
  - b) A school-sanctioned activity; or,
  - c) An expressive, religious, or associational activity protected by either federal or state law, including but not limited to the free exercise of religion, freedom of speech, and the right of assembly; provided the child has first given notice to the Town Board of the Town of LaFontaine, Indiana, or the Marshall of the Town of LaFontaine, Indiana, by delivering to the Secretary-Treasurer of the Town of LaFontaine, Indiana, or the Marshall at the Town Hall in LaFontaine, Indiana, a written communication signed by the child and countersigned by the child's parent, guardian or custodian, if practicable, which specifies when, where, in what manner, and for what first amendment purpose the minor will be in a public place during the curfew period.

#### **SECTION 4.**

a) A child who commits a curfew violation under this Ordinance is subject to the enforcement procedures provided in Indiana Code 34-28-5-1. Whenever a complaint is filed against a child for a violation of this Ordinance, the Town shall direct a copy of the complaint to the Juvenile Division of the Wabash County Probation Department, and to the child's parent, guardian, or custodian, if such person is known or can be identified by a reasonable inquiry.

b) In addition to the imposition of fines as provided below, the Town may request injunctive relief or other relief as necessary and appropriate to prevent the child from committing further violations of this Ordinance, from a court of competent jurisdiction.

**SECTION 5.** It is unlawful for a parent, guardian, or custodian of a child under the age of eighteen (18) years to knowingly allow that child to commit a curfew violation under this Ordinance.

**SECTION 6.** Any child or person found to be in violation of this Ordinance shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00).

**SECTION 7.** There shall be an exception to the above-stated curfew hours for the celebration of Halloween as it pertains to the practice of "trick or treating". The celebration of Halloween shall be on the 31<sup>st</sup> day of October of this year and hereafter from the hours of 6:00 p.m. to 8:00 p.m. local time. A curfew for all persons under eighteen (18) years of age will be enforced at 9:00 p.m. throughout the month of October. The exceptions for that curfew are contained in Section 3, above.

**SECTION 8.** The expressed or implied repeal or amendment by this Ordinance of any other Ordinance or part of any other Ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended Ordinance as if this Ordinance had not been adopted.

**SECTION 9.** Should any provision (section, paragraph, sentence, clause, or any other portion) of this Ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Town Board in adopting this Ordinance. To this end the provisions of this Ordinance are severable.

**SECTION 10.** This Ordinance shall be in full effect from and after its publication as may be required and shall be included in the Town of LaFontaine Code.

This Ordinance shall be in effect immediately upon publication. A copy of the full text of the Ordinance is available for public inspection and copying at the Town Hall in the Town of LaFontaine, Indiana.

Linda Harris  
LINDA HARRIS  
Secretary-Treasurer

DULY SIGNED AND ADOPTED October 2, 2000

Mike Brane  
MIKE BRANE

Dan Guenin  
DAN GUENIN

Mark Hobbs  
MARK HOBBS