

Town of Badin Ordinance 05-3

AN ORDINANCE TO AMEND ORDINANCE 04-3 ESTABLISHING CURFEW FOR MINORS

WHEREAS, the Town Council of the Town of Badin deems it to be in the best interest of the health and safety of the citizens of Badin to impose a curfew on activities of minors as hereinafter provided;

THEREFORE, BE IT ORDAINED by the Badin Town Council as follows:

Section 1. DEFINITIONS. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“CUSTODIAN.” A parent, guardian, step-parent, foster parent, house parent, or other person legally responsible for the care and custody of a minor as defined by this ordinance.

“MINOR.” Any person who has not reached his/her eighteenth birthday and is not married, emancipated, or a member of the armed services of the United States.

“PUBLIC PLACE.” Any place which is generally open to and used by the public, whether it be publicly or privately owned, including but not limited to streets, highways, public vehicular areas, places of business and amusement parks, and other common areas open to the public.

“TOWN.” The Town of Badin, North Carolina.

Section 2. TIME LIMITS. It is unlawful for any minor to be in or upon or remain in or upon any public place as defined in Section 1 within the Town or on any property or right-of-way belonging to the Town and located outside the corporate limits of the Town between the hours of midnight Friday and 5:00 am on Saturday or between midnight Saturday and 5:00 am on Sunday or between the hours of 10:00 pm and 5:00 am of the following mornings on Sunday, Monday, Tuesday, Wednesday, or Thursday.

Section 3. EXCEPTIONS. The restrictions provided by Section 2 shall not apply to any minor who is:

(A) Accompanied by this custodian as defined in Section 1;

(B) Accompanied by a responsible person over the age of 18 years of age who has the written permission of the minor's custodian to have the minor under his supervision;

(C) Traveling in connection with his employment, religious activity, or attendance at a function sponsored by the Town or school;

(D) Temporarily within the Town or on Town property while engaged in interstate travels; or

(E) Attempting to obtain assistance in a medical emergency.

Section 4. RESPONSIBILITY OF ADULTS. It is unlawful for any custodian allow or permit any minor to be in or upon, or remain in or upon a public place within the Town or on any property or right-of-way belonging to the Town and located outside the corporate limits of the Town, within the curfew hours set by Section 2, except as provided in Section 3.

Section 5. RESPONSIBILITY OF BUSINESS ESTABLISHMENT. It is unlawful for any person, firm or corporation operating a place of business or amusement to allow or permit any minor to be in or upon, or to remain in or upon the premises of such place of business or amusement within the curfew hours set by Section 2, except as provided in Section 3.

Section 6. ENFORCEMENT.

(A) When a minor is found to be in violation of this ordinance, a police officer will check with the Stanly County Communication Center and the records of the Badin Police Department to determine if the minor is a first offender. If the minor is a first time offender he or she will be taken to the residence of his or her custodian. A written warning will be given to the custodian and an information report will be taken by the officer. The report shall include the name of the minor and the custodian, the time, date, and location of the offense. This report will be turned into the Police Department Records Division.

(B) If, upon checking with the Stanly County Communication Center and the records of the Badin Police Department, the minor is found to be a repeat offender, he or she will be taken

to the residence of his or her custodian and the custodian may be issued a criminal citation charging him with a violation of this ordinance. A report will be turned in to communications center and entered into the Police Department Records Division.

(C) If the minor is found to be a repeat offender and has passed his/her twelfth birthday but has not reached his/her sixteenth birthday, the minor may be treated as a delinquent juvenile. If the minor is found to be a repeat offender and has passed his/her sixteenth birthday, then a criminal summons charging a violation of this ordinance may be issued to the minor.

(D) If the minor is under 12 years of age, a report will be made and a copy forwarded to the Stanly County Department of Social Services.

Section 7. AIDING AND ABETTING BY ADULT, GUARDIAN, OR PARENT. It shall be a violation of this ordinance for any person over 18 years of age to aid or abet a minor in the violation of Section 2.

Section 8. REFUSAL OF CUSTODIAN TO TAKE CUSTODY OF A MINOR. If the custodian of a minor found to be in violation of this ordinance refuses to take custody of such minor, the officer having custody of the minor child shall contact the Stanly County Department of Social Services and release the minor to that Agency, pending further investigation by the Police Department and the Department of Social Services. The custodian may be issued a criminal citation charging him or her with a violation of this ordinance.

Section 9. PENALTY. Any person who violates this ordinance shall be guilty of a misdemeanor and shall be fined not more than \$50, or imprisoned for not more than 30 days.

This Ordinance was duly passed by the Badin Town Council on the 8th day of February, 2005.