

BILL NO. \_\_\_\_\_

ORDINANCE NO. 020922B

**AN ORDINANCE SETTING OUT A CURFEW FOR MINORS UNDER THE AGE OF EIGHTEEN AND PARENTAL RESPONSIBILITIES**

WHEREAS, the Aldermen for the City of Wheaton, Missouri desire to enact an ordinance regarding the curfew for juveniles and parental responsibilities.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY WHEATON AS FOLLOWS:

**SECTION ONE: Definitions:**

A. Minor. Any person who has not attained the age of eighteen years or any person in the custody of the division of family services who has not attained the age of twenty-one.

B. Parent: A birth parent or parents of a child, including the putative father of the child, as well as the husband of a birth mother at the time the child was conceived, or parent or parents of a child by adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his own by affirmatively asserting his paternity.

C. Putative Father: The alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry established in Section 192.016 RSMo. and a person who has filed a voluntary acknowledgment of paternity pursuant to section 193.087.

D. Stepparent. The spouse of a biological or adoptive parent. The term does not include the state if the child is a ward of the state. The term does not include a person whose parental rights have been terminated.

**SECTION TWO: Curfew for person under eighteen.**

A. It shall be unlawful for any persons under the age of eighteen (18) years to loiter, wander, stroll or play upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, parking lots, vacant lots or other unsupervised places within the City of Wheaton between the hours of 11:00 p.m. and 6:00 a.m. Sunday through Thursday and 12:00 a.m. and 6:00 a.m. Friday and Saturday. The provisions of this Section shall not apply to any such persons accompanied by a parent or guardian, to any such person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity.

B. It shall also be unlawful for any minor subject to compulsory school attendance according to the laws of the State of Missouri to be upon the streets or public ways, or to be at any public place, between the hours of 8:30 a.m. and 3:00 p.m. on Monday, Tuesday,

Wednesday, Thursday or Friday when school is in session. Provided, however that the provisions of this section do not apply to a minor accompanied by his or her parents, guardian or other adult person having the care and custody of the minor or to a minor going to, or returning from lawful employment, a lawful athletic, education, entertainment, religious or social event, on an errand at the direction of a parent or guardian, or home schooled in compliance with the laws of the State of Missouri.

C. Responsibility of Parent. The parent, guardian or other adult person having the care and custody of a minor shall not knowingly permit such person to violate this Section.

D. Notice to Parent. Any Police Officer finding any minor violating the provisions of this Section shall warn such person to desist immediately from such violation and shall promptly report the violation to his/her superior officer, who shall cause a written notice to be served upon the parent, guardian or person in charge of such person, setting forth the manner in which this Section has been violated. Any parent, guardian or person in charge of such person who shall knowingly permit such person to violate the provisions of this Ordinance, after receiving notice of the first (1<sup>st</sup>) violation, shall be guilty of an offense.

E. Service of Notice. The written notice provided in Subsection (D) may be served by leaving a copy thereof at the residence of such parent, guardian or person in charge of the minor in violation of this Ordinance or by mailing such notice to the last known address of such parent, guardian or person in charge of such person, wherever such person may be found.

### SECTION THREE: Parental responsibilities.

A. Whenever a minor shall be arrested or detained for the commission of any offense within the City, the Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Police Officer shall indicate such refusal on the notice.

B. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense. Written parental notice as defined in Section 1 of this Ordinance shall be prima facie evidence of parental neglect if the minor commits a second (2<sup>nd</sup>) or successive violation of any offense.

C. Each violation of the provisions of this Section shall constitute a separate offense. Any person who shall violate this Section shall be subject to imprisonment for not more than ninety (90) days and/or a fine of not less than one hundred dollars (\$100.00) for the first (1<sup>st</sup>) violation, not less than two hundred dollars (\$200.00) for the second (2<sup>nd</sup>) violation, and not less than five hundred dollars (\$500.00) for any successive violation. In addition, the court may, as a condition of any probation granted to any parent found guilty of violating Subsection B of Section Two, order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed four thousand dollars (\$4,000.00).

SECTION FOUR: This ordinance supersedes and revokes any provisions of past ordinance(s) inconsistent with the provision of this ordinance.

SECTION FIVE: If any provision of this ordinance is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application and to this end the provisions of this ordinance are declared to be severable.

SECTION SIX: This ordinance shall be in full force and effect from the date of its final passage and approval.

SECTION SEVEN: Said approval being effective the 9<sup>th</sup> day of February 2022.

David Shockley  
DAVID SHOCKLEY, MAYOR

ATTEST:  
Jogina Park  
JOGINA PARK, CITY CLERK

BE IT REMEMBERED that the above Ordinance was adopted upon its final reading, by the following vote:

ALDERMAN JON BRATTIN	VOTES <u>YES</u>
ADLERMAN JEREMY MARTELL	VOTES <u>YES</u>
ALDERMAN CASEY PREWITT	VOTES <u>YES</u>
ALDERMAN BRANDON SHOCKLEY	VOTES _____