

Chapter 78 -- Curfew

78.010. Definitions. For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

1. Emancipated minor is one whose parents or legal guardian has renounced his right to the care, custody and earnings of said person.
2. Minor is anyone under the age of eighteen (18) years. It does not include anyone under the age of eighteen (18) years who is legally married. An "emancipated minor" is not included in the term "minor."

78.020. Loitering of minors prohibited. It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll, drive, or play in or upon the public streets, highways, roads, alleys, playgrounds, parks, public buildings, or to attend or frequent places of amusement, places where refreshments are served, drinking emporiums, taverns and other unsupervised public places, between the hours of 10 p.m. and 6 a.m. of the following day, central standard time of Sunday through Thursday and from 12 midnight to 6 a.m. on Friday and Saturday, provided however, that the provisions of this section do not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of the minor (or where the minor is upon an emergency errand of legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor). Each violation of the provisions of this section shall constitute a separate offense.

78.030. Responsibility of parents. It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of 18 years to knowingly permit such minor to violate the provisions of section 78.020. Each violation of this section shall constitute a separate offense.

78.040. Responsibility of merchant. It shall be unlawful for the keeper or proprietor of any place of public amusement, place of refreshment, restaurants, drinking emporiums or other public places of amusement, refreshment, or entertainment, to permit any minor under the ages defined in Section 78.020 of this Code to enter their place of business in violation of Section 78.020 above, unless accompanied by their parents, guardian, or other adult persons, having the care and custody of such minors, and the presence of a minor unaccompanied as aforesaid in any such public place hereinbefore mentioned, shall constitute prima facie evidence that the keeper thereof permitted said minor to enter such public place with the knowledge and consent.

78.050. Penalties.

1. Any minor violating the provisions of Section 78.020 shall be guilty of a misdemeanor and upon conviction shall be fined by the Judge of the Municipal Court, not less than Ten (\$10.00) Dollars nor more than One(\$100.00)

Dollars, or confined in the detention home for minors not less than one (1) day, nor more than ninety (90) days, or punished by both said fine and imprisonment, for each offense.

2. Any parent, guardian or other adult person having the care and custody of a minor violating Section 78.030 shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars or confined in jail not less than one (1) day nor more than ninety (90) days, or punished by both said fine and imprisonment for each offense.

Moscow Mills City Code

3. Any keeper or proprietor of any place of amusement, as defined in Section 78.040 of this chapter who shall violate any provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars, or confined in jail not less than one (1) day nor more than ninety (90) days, or punished by both said fine and imprisonment for each offense.

78.060. Police authorized to stop minors. It shall be the duty of the police department of this City to require identification from any person who loiters, idly remains, congregates, tarries or stays on public streets, park, square or any public place within the city during the prescribed hours and whose actions, appearance, demeanor, or other fact within the knowledge of the police officer give rise to reasonable belief that the person stopped is a minor. Such identification shall include the person's name, age, home address, phone number and if the person's home address is outside of this City, the address within the City at which he is staying, if any.

1. Should the person stopped and questioned not be a minor, he shall be allowed to proceed freely with no record made of the inquiry.
2. Should the person stopped and questioned be a minor, this will constitute grounds for the officer to escort the minor in question to the address given, to inform the parent or legal guardian of the actions of the minor in question, and to inform the parent or legal guardian that he may be held responsible for the delinquency of the minor under 78.070 of this code, should the minor later be brought before any court of this city or state for delinquency or youthful offender proceedings. Should no parent or legal guardian be found at the address given, the minor may be detained until claimed by a parent or legal guardian or the designee of a parent or legal guardian.

78.070. Parental responsibility. No parent or legal guardian having he care and custody of a minor shall fail to properly supervise and care for such child and such failure of supervision or care shall cause the child to be brought before the Juvenile Court of the state or any other court of the city or state, for delinquency or youthful offender proceedings.

1. Continuous presence by a minor during the prescribed hours in or on the public streets, parks, squares, or other public place shall constitute prima facie evidence of failure by the parent or legal guardian to properly supervise said minor and shall be considered a cause of the delinquency or offense committed.

78.080. No persons shall wander about or be upon the streets of Moscow Mills during the times prescribed by this Chapter. No persons shall wander about or be upon the streets of Moscow Mills during the times prescribed by this Chapter without being able to give a good account of himself and his purpose for being there.

78.090 Effective date of ordinance. This ordinance shall become in full force and effect from and after its passage and approval.

78.100. Invalidity of provisions of ordinance. If any provisions of this ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

Adopted by Ordinance 6/14/93.