

ORDINANCE NO. 867

AN ORDINANCE PROVIDING FOR A CURFEW FOR CHILDREN UNDER THE AGE OF EIGHTEEN YEARS

Be it ordained by the Governing Body of the City of Sedan, Kansas:

Section 1. Curfew

It shall be unlawful for any child under the age of eighteen years to wander, lounge, loaf, loiter or play in, about or upon any public street, alley, sidewalk, private property not belonging to such child or his / her parents, legal guardian or legal custodian, public place or other place normally accessible to the general public for public use, whether on foot or in a vehicle or by any other means, after the hour of 11:00 o'clock p.m. and before the hour of 6:00 o'clock a.m. Sunday through Thursday, and after the hour of 12:00 a.m. midnight and before the hour of 6:00 a.m. on Friday and Saturday nights.

Section 2. Exception

The provisions of Section 1 shall not apply in the following instances:

- (a) If the child is accompanied by his / her parent, legal guardian or other person exercising legal custody;
- (b) If the child is on an emergency errand directed by his / her parent, legal guardian or legal custodian;
- (c) If the child is traveling to or from authorized employment or school activities by the most direct and accessible route;
- (d) If the child is engaged in interstate travel through the city.

It shall be unlawful for any parent, legal guardian or other person having lawful custody of a child to knowingly permit such child to violate the provisions of Section 1 ordinance.

Section 4. Penalty

Every violation of this section shall constitute a separate offense.

(a) Any law enforcement officer detaining a child for a violation of this ordinance which would constitute a first offense shall accompany the child to the home of her parent, legal guardian or legal custodian and issue a warning to the child. If the legal guardian or legal custodian cannot be located, the officer shall retain physical custody of the child until such time as the parent, legal guardian or legal custodian can be located and the child safely delivered to such person. The officer shall further report the occurrence to the Chief of Police who shall cause written notice to be served on the parent, legal guardian or legal custodian setting forth the particulars of the alleged violation.

(b) Upon a second violation of this ordinance, the child, upon conviction, shall be adjudged guilty of a misdemeanor and punished by a fine not to exceed \$25.00.

(c) Upon a third or subsequent violation of this ordinance, the child, upon conviction, shall be adjudged guilty of a misdemeanor and punished by a fine not to exceed \$100.00. In addition, the Municipal Court Judge, in his discretion, may refer the matter to appropriate juvenile authorities for further proceedings.

(d) Any parent, legal guardian or legal custodian in violation of this ordinance shall, upon a first conviction, be adjudged guilty of a misdemeanor and punished by a fine not to exceed \$25.00, upon a second conviction, be adjudged guilty of a misdemeanor

and punished by a fine not to exceed \$100.00.

Section 5.

Ordinance 644 is hereby repealed.

Section 6.

This ordinance shall take effect upon its publication in the official City newspaper.


Adopted by the Governing Body of Sedan, Kansas, on the 15th day of

November, 2010.



Tim Hills, Mayor

ATTEST:



Sherry L. Miller, City Clerk

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