

AN ORDINANCE REGULATING THE PRESENCE AND CONDUCT OF MINORS ON THE STREETS AND OTHER PUBLIC PLACES, AND SETTING A CURFEW; TO PROVIDE FOR REPEAL OF ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

WHEREAS, there has been an increase of abuse and damage to parks, playgrounds and other property of the City of Lexington, and also damage to private property due to vandalism; and,

WHEREAS, there is a need for governing the conduct of minors in the City for the purpose of alleviating the problem of juvenile delinquency and vandalism; and,

WHEREAS, it is in the public interest to reduce noises and disturbances at late hours and to prevent the reckless and noisy operation of motor vehicles at late hours within the City of Lexington;

THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

Section 1. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number, the plural number. The word "shall" is always mandatory and not merely directory.

- (a) City is the City of Lexington, Dawson County, Nebraska.
- (b) Minor is any person under the age of 16.
- (c) Parent is the natural or adoptive parent of a minor.
- (d) Guardian is any person other than a parent, who has legal guardianship of a minor.
- (e) Custodian is any person over the age of 18 who is in loco parentis to a juvenile.
- (f) Public place shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

Section 2. Curfew for Minors.

It shall be unlawful for any minor to remain, idle, wander, stroll or play in any public place either on foot or to cruise about without a set destination in any vehicle in, about or upon any place in the City between the hours of 12 o'clock midnight and 5 A. M., on any day of the week, unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor or unless the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor or where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.

Section 3. Responsibility of Owners of Public Places.

It shall be unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors under the age of 16 between the hours of 12 o'clock midnight and 5 A. M.

Section 4. Responsibility of Parents.

It shall be unlawful for the parent, guardian or other adult person having custody or control of any minor under the age of 16 to suffer or permit or by inefficient control to allow such person to be on the streets or sidewalks or on or in any public property or public place within the City between the hours of 12 o'clock midnight and 5 A. M. However, the provisions of this section do not apply to a minor accompanied by his parent, guardian, custodian or other adult person having the care, custody or control of the minor, if the minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor or if the parent, guardian or other adult person herein has made a missing person notification to the police department.

Section 5. Special Functions.

Any minor attending a special function or entertainment of any church, school, club or other organization that requires such minor to be out at a later hour than that called for in Section 2 shall be exempt from the provisions of Section 2 of this Ordinance, provided, the minors who attend the function shall be required to be in their homes or usual places of abode within one-half hour after the function is ended.

Section 6. Procedures.

(a) Any law enforcement officer upon finding a minor in violation of Section 2 of this Ordinance shall ascertain the name and address of such minor,

and for a first offense shall take said minor to the police department and the parent, guardian, or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor. A warning of the curfew violation shall be given.

(b) For a second or any subsequent offense, the officer may, in addition to the procedure outlined above, issue a citation to the parent, guardian, or other adult person having care and custody of such minor, for any violation under Section 4 of this Ordinance.

(c) For a third or subsequent offense, the officer shall, in addition to the procedure outlined above, cite such minor child to appear in juvenile court for violation of Section 2 of this Ordinance.

(d) If such minor in any instance shall refuse to give such officer his name and address, or if the parent, guardian or other adult person above cannot be located or fails to come and take charge of such minor, the minor shall be held in custody for juvenile authorities.

Section 7. Penalties.

Any minor violating the provisions of this Ordinance shall be dealt with in accordance with the juvenile court law of the State of Nebraska and procedure thereunder. Any other person violating this Ordinance shall be served with a citation to appear in court, and upon conviction be fined not more than \$100.00 for each offense.

Section 8.

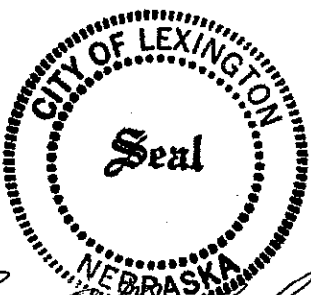
That all Ordinances or sections of Ordinances in conflict herewith are hereby repealed.

Section 9.

That this Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 24th day of February, 1981.

ATTEST:



Deane E. Melahn
City Clerk

Charles E. Cornish
Mayor