

This Ordinance:
AMENDS the Code of Ordinances.

ORDINANCE NO. 2004-06-068

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
(CURFEW FOR MINORS)**

WHEREAS, the City Council of the City of Urbana has a compelling interest in helping reduce juvenile crime and victimization, while promoting juvenile safety and well-being; and

WHEREAS, the City Council finds that keeping juveniles out of public places during certain hours will advance this compelling interest; and

WHEREAS, the City Council is desirous of enacting ordinances in compliance with the Constitutions of the United States and the State of Illinois; and

WHEREAS, the City Council finds that it is necessary to revise Section 15-63 of the Code of Ordinances of the City of Urbana, as amended to protect the aforementioned compelling governmental interests while complying with all provisions of the Federal and State of Illinois Constitutions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Section 15-63 of the Code of Ordinances of the City of Urbana is amended to read as follows:

Sec. 15-63. Curfew for minors.

(a) Unless one or more of the exceptions listed in subparagraph (c) applies, it is unlawful for a person less than seventeen (17) years of age to be present at or upon any public assembly, building, place, street or highway at the following times:

- (1) Between 12:01 a.m. and 6:00 a.m. Saturday;

(2) Between 12:01 a.m. and 6:00 a.m. Sunday; and

(3) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(b) It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his/her custody or control to violate subsection (a) of this section, except where one or more of the exceptions listed in subsection (c) applies,.

(c) Exceptions. Notwithstanding the prohibitions of subparagraphs (a) and (b) it shall not be unlawful for a minor to be present at or upon a public assembly, building, place, street or highway during the curfew hours if the minor:

- (1) is accompanied and supervised by the minor's parent, legal guardian or other responsible companion at least eighteen (18) years of age approved by the minor's parent or legal guardian; or
- (2) is participating in, going to, or returning from, and with permission of the minor's parent or guardian:
 - A. an errand at the direction of the minor's parent, legal guardian, or custodian;
 - B. a business or occupation which the laws of this state authorize a person less than seventeen (17) years of age to perform;
 - C. a school sanctioned activity;
 - D. a religious event;
 - E. an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Sections 3, 4 and 5 of the Constitution of the State of Illinois such as the free exercise of religion, freedom of speech, and the right of assembly;
 - F. an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults;
 - G. an activity approved by the minor's parent, legal guardian, or custodian;
 - H. interstate or international travel for lawful purposes; or
- (3) is married or has been married or is an emancipated minor pursuant to the provisions of 750 ILCS 30/1, et seq, as amended;

(4) is involved in an emergency regarding the protection of a person or property from an imminent threat of serious bodily injury or substantial damage; or

(5) is homeless.

(d) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a Notice to Appear or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception in subsection (c) is present.

(e) The maximum fine for a violation of this Section shall be: \$75.00.

Section 2. That Section 1-18 of the Code of Ordinances of the City of Urbana is amended to change the current minimum fine for violations of the curfew ordinance. The current minimum contained in Section 1-18 for all violations of the curfew ordinance is \$50.00. The revised minimums shall be as follows:

Section 15-63(a) (violations by minors):

1st Offense: \$ 25.00
2nd Offense: \$ 50.00
3rd Offense: \$ 75.00

Section 15-63(b) (violations by parents, guardians, etc):

1st Offense: \$ 25.00
2nd Offense: \$ 50.00
3rd Offense: \$ 75.00

Section 3. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this 16th day of August, 2004.

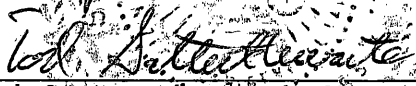
AYES: Hayes, Huth, Patt, and Wyman

NAYS: Chynoweth and Whelan

ABSTAINED:


Phyllis R. Clark, City Clerk

APPROVED by the Mayor this 26th day of August, 2004.


Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 16th day of August, 2004, the corporate authorities of the City of Urbana passed and approved Ordinance No. 2004-06-068, entitled AN ORDINANCE AMENDING THE CODE OF ORDINANCES (CURFEW FOR MINORS), which provided by its terms that it should be published in pamphlet form.

The pamphlet form of the Ordinance was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 31st day of August, 2004, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this 31st day of August, 2004.


Phyllis D. Clark, CITY CLERK

