

ORDINANCE NO. 1037

**AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 2 OF THE CODE OF THE
CITY OF LANSING REGARDING CURFEW**

An ordinance amending Chapter 12, Article 2 of the Code of the City of Lansing regarding the establishment of juvenile curfew restrictions.

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

SECTION 1: Chapter 12, Article 2, Section 12-205 shall be amended to read as follows:

Sec. 12-205. – Curfew

A. Definitions. For the purpose of this Section:

1. “Authorized” means that which has been previously deemed permissible or acceptable by a Parent/Legal Guardian or Custodian.
2. “Custodian” means an adult person, other than the parent, at least 21 years of age, having the legal responsibility for the care and custody of a Minor.
3. “Minor” means any person under the age of 18 years.
4. “Parent/Legal Guardian” means the primary parent or guardian of a minor.
5. “Permit” means to knowingly allow, or to fail to prevent due to lack of reasonable effort, the supervision and control of a minor.
6. “Remain” means to unnecessarily tarry, stay, loiter, or idle.

B. Nocturnal Curfew for Minors.

1. Minors age 15 years and younger. It shall be unlawful for any child 15 years of age or younger to wander, loiter, remain or play in, about, or upon any public street, alley, sidewalk, vacant lot, public place or other place normally accessible to the general public for public use, whether on foot, in a vehicle or by any other means of transportation, between the hours of 10:30 p.m. and 6:00 a.m. unless accompanied by a Parent/Legal Guardian or Custodian. Such prohibition shall not apply to such children who are en route by the most direct and accessible route between their homes and Authorized places of attendance, including but not limited to places of employment or those listed in Paragraph F5 of this Section.
2. Minors age 16 through 17 years of age. It shall be unlawful for any child ages 16 through 17 to wander, loiter, remain or play in, about, or upon any public street, alley, sidewalk, vacant lot, public place or other place normally accessible to the general public for public use, whether on foot, in a vehicle or by any other means of transportation, between the hours of 12:30 a.m. and 6:00 a.m. unless accompanied by

a Parent/Legal Guardian or Custodian. Such prohibition shall not apply to such children who are en route by the most direct and accessible route between their homes and Authorized places of attendance, including but not limited to places of employment or those listed in Paragraph F5 of this Section.

C. Custodial Liability for Minors. It shall be unlawful for any Parent/Legal Guardian or Custodian to Permit a Minor under his/her care and control to wander about or to Remain in or upon any public street, road, avenue, alley, park or other public place as prohibited by this Section, except in the case of necessity.

D. Enforcement Procedures.

1. If a police officer reasonably believes that a Minor is engaged in activity prohibited by this Section, the officer shall inform the Minor that he/she is in violation of the curfew ordinance and request that the Minor provide his/her complete name and address and how to contact his/her Parent/Legal Guardian or Custodian.
2. If the Minor fails to or refuses to furnish the requested information to the officer, the Minor shall be transported and released to the Juvenile Intake Center.
3. If the Minor furnishes the requested information, then the officer shall keep the Minor within the officer's care until a Parent/Legal Guardian or Custodian can take custody of and responsibility for the Minor.
4. If the Parent/Legal Guardian or Custodian is able to come to the officer's location, he/she shall be required to do so to take custody of the Minor. A citation shall be served upon the Parent/Legal Guardian or Custodian for the curfew violation.
5. If the Parent/Legal Guardian or Custodian is unable to come to the officer's location, then, at the discretion of the Chief of Police or his/her designee, the officer may be allowed to transport the Minor to the Minor's place of residence, provided that the Parent/Legal Guardian or Custodian will be at that residence to take custody of the Minor. A citation shall then be served upon the Parent/Legal Guardian or Custodian for the curfew violation.
6. If the Parent/Legal Guardian or Custodian is unable to come to the scene and is not present at the Minor's place of residence, then the officer shall transport the Minor to the Juvenile Intake Center where the Minor will be transferred into that facility's custody. The officer will complete a citation for the curfew violation and forward it to the municipal court for service via certified mail.
7. The officer shall complete a brief incident narrative detailing the circumstances of the violation, including the name, date of birth, address, phone number, person descriptors, driver's license number and any other necessary information for:
 - (a) The Parent/Legal Guardian or Custodian;
 - (b) The Minor; and

(c) Any and all witnesses or other Minors who were on scene at the time of the incident.

8. If the Minor was operating a vehicle at the time of the incident, it shall be at the discretion of the officer to release the vehicle to the Parent/Legal Guardian or Custodian upon proof of a valid driver's license. Should the vehicle be left at the scene to be picked up later, the officer shall ensure the vehicle is secured prior to releasing all parties involved.

E. Penalties.

1. Any Minor violating the provisions of this Section shall be dealt with according to the laws governing juveniles set forth by the City and the State of Kansas.
2. Any Parent/Legal Guardian or Custodian violating the provisions of this Section shall be guilty of a Class C violation, for which a court appearance shall be required.
3. Upon a first conviction, the court shall assess a fine of \$100.00 against the Parent/Legal Guardian or Custodian.
4. Upon a second conviction, the court shall assess a fine of \$200.00 against the Parent/Legal Guardian or Custodian.
5. For each subsequent conviction, the assessed fine will increase by \$100.00 increments, not to exceed \$1,000.00.
6. Upon any second or subsequent conviction, the court shall report all convictions (and furnish copies of all supporting documentation) to the Department of Family Services and the Leavenworth County Attorney's Office for consideration as a Child-in-Need-of-Care case.
7. If the Parent/Legal Guardian or Custodian is found guilty of a violation of this section after a trial before the municipal court, the court shall notify the Parent/Legal Guardian or Custodian of his/her right to appeal the conviction to the Leavenworth County District Court. If the Parent/Legal Guardian or Custodian is found not guilty after an appeal, then the municipal court conviction so appealed shall not be considered in determining sentencing for subsequent violations of this ordinance.

F. It shall be a defense to prosecution under this section that the Minor was:

1. Accompanied by the Minor's Parent/Legal Guardian or Custodian;
2. Engaged in an employment activity, or going to or returning home from an employment activity, using the most direct and accessible route without any detour or stop;
3. Involved in an emergency situation;

4. On the sidewalk abutting the Minor's residence or abutting the residence of a next-door neighbor, if the neighbor was not the party who reported the Minor's presence to law enforcement;
5. Going to, attending, or returning home (using the most direct and accessible route without any detour or stop) from an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the Minor; or
6. Married, had been married or had the disabilities of minority removed in accordance with applicable law.

SECTION 2: EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its publication in The Leavenworth Times.

PASSED AND APPROVED by the Governing Body of the City of Lansing, Kansas on this 7th day of November, 2019.

{SEAL}

Michael W. Smith, Mayor

Attest:

Sarah Bodensteiner, City Clerk

APPROVED AS TO FORM:

Catalina Thompson, City Prosecutor

Published: *Leavenworth Times*

Date Published:

CITY OF LANSING

FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

Ordinance No. 1037: An Ordinance Amending Chapter 12, Article 2 of the Code of the City of Lansing Regarding Curfew.

Pursuant to K.S.A. 12-3007 and the laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

Ordinance No. 1037 Summary:

On November 7, 2019, the City of Lansing, Kansas, adopted Ordinance No. 1037, amending Chapter 12, Article 2 of the Code of the City of Lansing regarding the establishment of juvenile curfew restrictions. A complete copy of this ordinance may be obtained or viewed at the office of the city clerk, City Hall, 800 First Terrace, Lansing, KS 66043 and is also available at www.lansingsks.org. This summary certified by Catalina Thompson, City Prosecutor.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: _____

Catalina Thompson, City Prosecutor