

ORDINANCE NO. 381**CURFEW FOR MINORS --- OFFENSES
DEFENSES AND ENFORCEMENT, ETC.**

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Lucedale,
Mississippi;

This Ordinance shall be known as and may be cited as the "Curfew Ordinance"

CURFEW OF MINORS - IMPOSED:

It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places, on weekends, and holidays between the hours of 12:00 o'clock p.m. midnight and 6:00 o'clock a.m. of the following day, official city time, and on weekdays between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m. of the following day, official city time; 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 or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor.

State law references - Authority of city to restrict movement of individuals under certain circumstances, Miss. Code Ann 1942, 3374-132; other provisions relating to children, Miss. Code Ann. 1942, 2050-2055.

PENALTIES:

A person who violates a provision of this ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continues, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

If there is a second violation of the Ordinance by the minor, the parent of the minor will be held to have violated this Ordinance in connection with the second violation by the minor, and this shall be treated as a first offense by the parent. For such first parental offense, a parent shall be fined Twenty-five Dollars (\$25.00) plus court cost. Each subsequent offense, the fine shall be increased by a doubling factor, Fifty Dollars (\$50.00) plus court cost for second, One Hundred Dollars (\$100.00) plus court cost for third, Two Hundred Dollars (\$200.00) plus court costs for fourth offense, etc., but not exceed One Thousand Dollars (\$1,000.00) plus Court Cost. The court, in its discretion,

may require each parent to perform community service work, with due regard for age and health considerations, for each third and subsequent violation.

Any minor who shall violate any of the provisions of this ordinance more than one (1) time shall be dealt with according to the Youth Court laws of the State of Mississippi.

CONSTRUCTION AND SEVERABILITY:

Severability is intended through and within the provisions of the Curfew Ordinance. If any provision, including *inter alia* any exception, part, phrase or term of or the application thereof to any person or circumstances is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of the Curfew Ordinance in any and all other respects shall not be affected thereby. It is intended that the Curfew Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional. A constitutional construction is intended and shall be given. It is not the intent of this Ordinance to violate the Constitution of the State of Mississippi or the Constitution of the United States of America.


Effective Date

This Ordinance shall be in full force and effect thirty (30) days from and after its passage.

The above and foregoing Ordinance having been reduced to writing, the same was read and voted upon, first section by section, and then as a whole with the following results:

ALDERMAN LOUIS VALENTINE Alderman At-Large	VOTED <u>YEA</u>
ALDERMAN CARRIE MOULDS Alderman for Ward One	VOTED <u>YEA</u>
ALDERMAN LLOYD WELFORD Alderman for Ward Two	VOTED <u>YEA</u>
ALDERMAN EDMOND HOBODY Alderman for Ward Three	VOTED <u>YEA</u>
ALDERMAN PAYTON DUDLEY Alderman for Ward Four	VOTED <u>YEA</u>

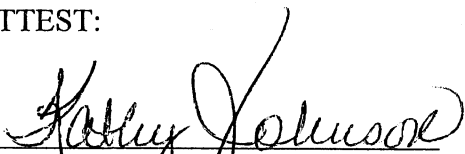
WHEREFORE, the foregoing Ordinance was duly passed, adopted, and approved on this the 3RD day of OCTOBER, A.D., 2000.



DOUG LEE, MAYOR

(SEAL)

ATTEST:



KATHY JOHNSON, City Clerk

Y.

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