

ORDINANCE NO. 4

AN ORDINANCE REGULATING THE PRESENCE AND CONDUCT OF JUVENILES ON STREETS OTHER PUBLIC PLACES AND ESTABLISHMENTS WITH THE LIMITS OF THE CITY OF NEVIS, DEFINING DUTIES OF PARENTS OR OTHERS IN CARE OF JUVENILES, PROVIDING FOR PROCEDURES AND PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the City Council has determined that there has been an increase in juvenile criminal activity and violence, and in potentially gang-related activity by persons under the age of 18 in the City of Nevis and

WHEREAS, Persons under the age of 18 are particularly susceptible as a result of their lack of maturity and experience to participation in unlawful and gang-related activities and are also more likely to be victims of older perpetrators of crime; and

WHEREAS, the City of Nevis has an interest and obligation in providing for the protection of juveniles from other persons, in the enforcement of parental control over and responsibility for children, in the reduction of the incidence of juvenile criminal activities and in protecting its citizenry; and

WHEREAS, A Curfew for those under the age of 18 would be in the best interest of public health, safety and general welfare and will help diminish the undesirable impact of such conduct on the citizens of the City of Nevis.

NOW THEREFORE;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVIS:

SECTION 1: DEFINITIONS. In this section:

a) **CURFEW HOURS MEAN:**

CURFEW HOURS 16-17 YEARS OLD:

1. 11:00 P.M., on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day, and
2. 12:00 a.m., on any Friday and Saturday until 6:00 a.m. the following day.

CURFEW HOURS 15 YEARS OLD AND YOUNGER:

1. 10:00 P.M. on Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day, and
2. 11:00 p.m. on Friday and Saturday until 6:00 a.m. the following day.

b) **EMERGENCY** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not

- limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- c) ESTABLISHMENT means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
 - d) GUARDIAN MEANS:
 - (1) a person who, under court order, is the guardian of the person of a juvenile; or
 - (2) a public or private agency with whom a juvenile has been placed by a court.
 - e) JUVENILE means any person less than 18 years of ages.
 - f) OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the member of partners of an association or partnership and the officers of a corporation.
 - g) PARENT means a person who is:
 - (1) a natural parent, adoptive parent, or step-parent of another person; or
 - (2) a person at least 18 years of age and authorized in writing by a parent or guardian to have the care and custody of a juvenile.
 - h) PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
 - i) REMAIN means to:
 - (1) linger or stay; or
 - (2) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

SECTION 2. Restrictions.

- a) it shall be unlawful for any juvenile to remain in any public place or on the premises of any establishment within the City during curfew hours.
- b) it shall be unlawful for any parent or guardian of a juvenile to knowingly permit, or by insufficient control allow, the juvenile to remain in any public place or on the premises of any establishment within the City during curfew hours. The term “knowingly” includes knowledge which a parent or guardian should reasonably be

expected to have concerning the whereabouts of a juvenile in the legal custody of the parent or guardian.

c) It shall be unlawful for any owner, operator, or any employee of an establishment to knowingly allow a juvenile to remain upon the premises of the establishment during curfew hours.

SECTION 3. Exceptions.

a) The following shall constitute valid exceptions to the operation of the curfew. That the juvenile was:

- (1) accompanied by the juvenile's parent or guardian; or
- (2) on an errand at the direction of juvenile's parent or guardian, without any detour or stop; or
- (3) in a motor vehicle involved in interstate travel; or
- (4) engaged in an employment activity, or going to or returning home from employment activity, without any detour or stop; or
- (5) involved in an emergency; or
- (6) on the sidewalk or curb abutting the juvenile's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the juvenile's presence; or
- (7) attending an official school, religious, or other recreational activity supervised by adults or sponsored by the City of Nevis, a civic organization, or another similar entity that takes responsibility for the juvenile, or going to or returning home from without any detour or stop, an official school, religious or other recreational activity supervised by adults or sponsored by the City of Nevis, or civic organization, or another similar entity that takes responsibility for the juvenile; or
- (8) is married or has been married and/or legally emancipated.

b) It is a defense to prosecution under Section 2 that the owner, operator, or employee of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

SECTION 4. Enforcement.

Before taking any enforcement action under this section, a police officer is authorized and shall ask the apparent offender's age and reason for being in a public place. The officer shall not issue a citation or make an arrest under the section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception listed in Section 3 is applicable.

SECTION 5. Penalties

1) A violation of this ordinance shall be a petty misdemeanor, punishable by a fine of up to \$200.00

2) A violation of this Ordinance shall be a misdemeanor, punishable by up to 90 days in jail and a \$1,000 fine, when preceded by two or more convictions under this Ordinance.

SECTION 6. Effective Date

That this Ordinance shall be in full force and effective from and after its acceptance and passed by the City Council and 30 days after publication according to law.

Passed by the council this 14th day of October, 2002.

Attest:

Mayor

Clerk/Treasurer

Published in _____ on _____, 2002.