

ORDINANCE NO. 6115 of 2021

BY THE CADDO PARISH COMMISSION:

AN ORDINANCE TO ENACT SECTIONS 32-115 – 32-118 OF THE CODE OF ORDINANCES OF CADDO PARISH RELATIVE TO CURFEWS, TO PROVIDE FOR A CURFEW FOR PERSONS UNDER 17 YEARS OF AGE, TO PROVIDE FOR PENALTIES FOR VIOLATION OF SAID CURFEW, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, recent events have demonstrated an increase in delinquent activity by teenage youth;

WHEREAS, much of that delinquent activity occurs during nighttime hours;

WHEREAS a substantial increase in the number and in the seriousness of crimes committed by minors against persons and property within the Parish, and this has created a menace to the preservation of public peace, safety, health, morals, and welfare.

WHEREAS, the increase in juvenile delinquency has been caused in part by the large number of minors who are permitted to remain in public places and in certain establishments during night hours without adult supervision,

WHEREAS, the problem of juvenile delinquency can be reduced by regulating the hours during which minors may remain in public places and in certain establishments without adult supervision, and by imposing certain duties and responsibilities upon the parents or other adult persons who have care and custody of minors.

NOW, THEREFORE, BE IT ORDAINED, by the Caddo Parish Commission in due, legal and regular session convened, that Sections 32-115 – 32-118 are hereby enacted to read as follows:

SECTION 32-115. DEFINITIONS.

(a) *Curfew* means restriction of activities of juveniles between the hours of 11:00 p.m. and 5:00 a.m. each day, except on Friday, Saturday, and Sunday on which days the hours of the curfew shall be between midnight and 5:00 a.m. the following day.

(b) *Juvenile* means a person who has not attained 18 years of age.

(c) *Parent* means a natural or adoptive parent or any person who has legal custody of a juvenile as ordered by a court or as established in an authentic act establishing provisional custody by mandate.

(d) *Public business* means:(1) any privately-owned place of business or enterprise within the Parish and to which the public is invited or allowed.

SECTION 32-116. PROHIBITIONS.

(a) It shall be unlawful for any juvenile to remain in or upon any public property in the parish during the curfew hours.

(b) It shall be unlawful for any juvenile to remain in or upon the premises of a public business in the parish during the curfew hours.

(c) It shall be unlawful for a parent knowingly to permit or, by neglect, fail to exercise reasonable control, allow his juvenile child to be in or upon any public property or in or upon the premises of a public business within the parish during the curfew hours.

(d) It shall be unlawful for any owner, operator, or employee of a public business to knowingly allow a juvenile to remain in or upon the premises of such public business within the parish during curfew hours.

SECTION 32-117. EXCEPTIONS.

The prohibitions of Section 32-116 shall not apply when:

(a) The juvenile is accompanied by a parent, as defined in Section 32-115, or a person, 21 years of age or older, who is authorized by a parent to supervise the juvenile.

(b) As authorized by a parent, the juvenile is attending a function or activity sponsored by an educational, religious or nonprofit organization that requires the juvenile to be in a public place or public business at an hour later than that authorized in Section 32-116. Juveniles attending such activities shall be subjected to the provisions of Section 32-116 if they remain in any public place or public business one hour past the time the activity is ended.

(c) The juvenile is on an errand or specific business or activity directed or permitted by his parent or other adult authorized by a parent or where the juvenile is acting within the scope of legitimate employment or returning home from the errand, activity or employment without any detour or stop.

(d) The juvenile is involved in an emergency not of the juvenile's own making.

(e) The owner of a public business is the sponsor or co-sponsor of an activity which requires or permits the juvenile to remain overnight on the premises of such business and when the juvenile is authorized by a parent to participate in that activity after the curfew hours.

SECTION 32-118. PENALTIES.

(a) Violation by juvenile.

1. Any law enforcement officer, on encountering a juvenile in apparent violation of Section 32-116, shall take the juvenile into custody to be delivered to a curfew receiving center operated under agreement with the Parish of Caddo.

2. The law enforcement officer or curfew receiving center shall notify the parent or other adult person having the care and custody of the juvenile to come and take charge of the juvenile. If the parent or other adult person cannot be located or fails to come and take charge of the juvenile, the curfew receiving center will take necessary action to protect the health and welfare of the child.

3. Any juvenile violating the provisions of this article shall be dealt with in accordance with the Louisiana Children's Code.

(b) Violation by parent or owner, operator or employee of public business.

1. Any parent, upon being found guilty of violating Section 32-116(c) shall be fined as follows:

i. The first violation shall be punished by a fine of not more than \$250.00.

ii. Any subsequent violation shall be punished by a fine of not more than \$500.00.

2. Any owner, operator, or employee of a public business, upon being found guilty of violating Section 32-116(d) shall be fined not more than \$500.00.

BE IT FURTHER ORDAINED, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon adoption.

BE IT FURTHER ORDAINED, that all ordinances or parts thereof in conflict herewith are hereby repealed.

Approved as to legal form:

Parish Attorney

Date