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## **Memorandum**

**DATE:** August 13, 2004  
**TO:** Mayor Satterthwaite and the Urbana City Council  
**FROM:** Steve Holz  
**RE:** Curfew Ordinance Amendments  
Ordinance No. 2004-06-068  
Ordinance No. 2004-08-106

I attach "An Ordinance Amending the Code of Ordinances (Curfew for Minors)" as amended by the Committee of the Whole and sent to the Council meeting of August 16, 2004, with a recommendation for approval.

At the August 9, 2004 Committee Meeting, the Committee also requested that my office prepare an ordinance adding to the pay-by-mail schedule (Section 1-18 of the Code of Ordinances) minimum fines for first, second, and third offenses relating to the curfew ordinance. The two ordinances are listed separately on the agenda. However, because the issues are difficult to separate, I combined them into a single ordinance, Ordinance No. 2004-06-068. There is therefore no separate ordinance numbered 2004-08-106 for consideration.

The present pay-by-mail amount, which applies to all violations of the curfew ordinance, regardless of whether by a juvenile or a parent or guardian, is \$50.00. The current language of the curfew ordinance itself sets forth ranges of fines for first, second, and third offenses for minors (at subparagraph 15-63(c)) and also sets forth ranges of fines for first, second, and third offenses for parents or guardians (at subparagraph 16-63(d)). Those ranges are as follows:

"15-63(c) (Violations by Minors):

First offense: \$3 to \$25  
Second offense: \$25 to \$50  
Third offense: \$100 to \$200

15-63(d) (Violations by Parents, Guardians, etc.):

First offense: \$1 to \$25  
Second offense: \$1 to \$50  
Third offense: \$25 to \$200”

The attached proposal for amending the curfew ordinance contains language for amending the minimum fines contained in Section 1-18 (Pay-by-Mail) for violations by minors as well as for violations by parents and custodians. I have left the amounts blank, as there has been no consensus expressed by council as to what those amounts should be. Those blanks will need to be filled in or otherwise addressed as part of passing this ordinance.

Lastly, I suggest that, if a series of escalating fines is placed in the pay-by-mail schedule, that the competing provisions in Section 15-63 itself be deleted. The attached ordinance makes those deletions by eliminating current subparagraphs (c) and (d). This would help clean up what is currently something of a mess with respect to the curfew fines.

It would be acceptable to set forth a maximum fine for all violations of Section 15-63 within Section 15-63, without it becoming too confusing. I have included a new subparagraph (e) with language that sets the maximum fine, again leaving the amount blank.

If you have any questions or concerns, please give me a call.

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, with the underlined text indicating new language and the strikethrough text indicating deletions 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, without any detour or stop, 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) the juvenile 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: \$\_\_\_\_\_.

**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):

1<sup>st</sup> Offense: \$ \_\_\_\_\_  
2<sup>nd</sup> Offense: \$ \_\_\_\_\_  
3<sup>rd</sup> Offense: \$ \_\_\_\_\_

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

1<sup>st</sup> Offense: \_\$ \_\_\_\_\_  
2<sup>nd</sup> Offense: \_\$ \_\_\_\_\_  
3<sup>rd</sup> Offense: \_\$ \_\_\_\_\_

**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 \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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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 \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled AN ORDINANCE\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, 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 \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, 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 \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Phyllis Clark, CITY CLERK