



**City of Urbana**  
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DATE: August 5, 2004

TO: Urbana City Council Members

FR: Esther Patt, Ward 1 *EP*

RE: Curfew Ordinance

In this memo, I propose changes to the draft curfew ordinance that was provided to us last month and to the pay-by-mail fine schedule approved in June. The latter is a slightly different proposal than that which I circulated at the July 26 committee meeting. I would appreciate your consideration of these proposals at the August 9 committee meeting.

While parents of teenagers generally consider curfew laws helpful as backup to the parents' desires for their children to be home by a certain hour, under certain circumstances the law interferes with good parental discretion. For example, on week nights that are not school nights, many responsible parents would allow a teenager to stay out after 11:00 p.m. if the teenager were engaged in a specific activity such as attending a 9:20 p.m. showing of a movie, attending a party, or visiting at the home of a friend who lives nearby. Existing curfew law does not provide parents with the discretion to allow these activities even though it exempts teenagers from curfew law for religious, political, work or school activities. Therefore, I propose the following change to the draft of the proposed Curfew Ordinance:

**Section 15-63, Subsection (c) "Exceptions," Subsection (2):**

**Rename "G" as "H" and add a new paragraph:**

**"G. an activity approved by the minor's parent, legal guardian or custodian." In**

order to allow pay-by-mail fines for curfew that are reasonable, I propose:

**Motion: Request that staff draft for consideration at the next City Council meeting, an ordinance amending Section 1-18 of the Code of Ordinances to replace the minimum fine schedule for certain violations 15-63 Curfew for Minors with:**

<b>15-63 Curfew for minors first violation</b>	<b>\$25.00</b>
<b>15-63 Curfew for minors second violation</b>	<b>\$50.00</b>
<b>15-63 Curfew for minors third violation</b>	<b>\$75.00</b>

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 ~~unless accompanied and supervised by a parent, legal guardian or other responsible companion at least eighteen (18) years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this state authorize a person less than seventeen (17) years of age to perform:~~

- (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. \_\_\_\_\_ 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; or
- (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.

(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.

(cc) Any minor violating subsection (a) shall be fined not less than three dollars (\$3.00) nor more than twenty-five dollars (\$25.00) for the first offense, not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for the second offense, and not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) for a third offense and all subsequent offenses.

(df) Any parent, guardian or other person having legal custody or control of any minor who shall permit or allow the minor to be upon any street, alley or any other public place in the city in violation of subsection (a), except where one or more of the exceptions listed in subsection (c) applies, shall be subject to a fine of not more than twenty-five dollars (\$25.00). If any such minor is held to be in violation of the curfew restrictions of subsection (a) a second time within a twelve (12) month period, then such parent, guardian or person responsible for the care and custody of the minor violator shall be fined not more than fifty dollars (\$50.00); and if a minor is found to be in violation of the curfew restrictions a third time and all subsequent times during a twelve (12) month period, then the parent, guardian or person responsible for the minor violator shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00).

**Section 2.** 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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
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