

ORDINANCE NO. 479

AN ORDINANCE TO ADOPT A CURFEW IN THE VILLAGE OF ANSLEY, NEBRASKA, REGARDING PARENTS AND/OR GUARDIANS; TO REPEAL PRIOR ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ANSLEY, NEBRASKA, that:

SECTION 1. Curfew; Duty of Parent or Guardian; Defenses.

(a) It shall be unlawful for any minor under the age of 16 years to loiter, idle, wander, stroll or play in or upon any of the streets, roads, alleys or parks of the municipality or other places of public amusement or recreation therein after the hour of 11:00p.m. and until the hour of 5:00 a.m. of the following day on Sunday through Thursday and after the hour of 12:30 a.m. and until the hour of 5:00 a.m. on Saturday and Sunday.

(b) It shall be unlawful for any parent, guardian or any adult person having the legal care, custody or control of any minor under the age of 16 years to allow or permit that minor to loiter, wander, stroll, idle or play in or about any of the places in division (1) of this section after the hour of 11:00 p.m. and until the hour of 5:00 a.m. of the following day on Sunday through Thursday and after the hour of 12:30 a.m. and until the hour of 5:00 a.m. on Saturday and Sunday.

© It is a defense to prosecution under divisions (a) and (b) that the minor was:
(1) accompanied by a parent, guardian or other adult person having the legal care, custody and control of that minor; (2) on an errand at the discretion of the minor's parent, guardian or other adult person having the legal care, custody and control of that minor and was using a direct route; (3) in a motor vehicle involved in interstate travel; (4) engaged in an employment activity, including, but not limited to, newspaper delivery, and was using a direct route; (5) involved in an emergency; (6) on the sidewalk abutting the minor's residence or abutting the residence of the next door neighbor if the neighbor did not complain to the police officer about the minor's presence; (7) attending an official school or religious activity or returning home by a direct route from an official school or religious activity. The curfew shall commence one hour after termination of such activity; (8) exercising First Amendment rights protected by the U.S. Constitution such as free exercise of religion, freedom of speech and the right of assembly; or (9) married or had been married or had disabilities of minority removed in accordance with the laws of this state.

Penalty. See ss. 10.99.

SECTION 2. The above-referenced curfew shall be kept in the ordinance book, Title 17, and be labeled 131.05-100.

SECTION 3. All ordinances or sections of ordinances in conflict hereby, are hereby repealed.

SECTION 4. This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

Passed and approved this 9th day of May, 2011.

ATTEST:


Lanette C. Doane, Clerk


Lisa Fecht, Chairperson

(Seal)