

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO.: 1347

AN ORDINANCE AMENDING TOWN ORDINANCE NO.: 1022 BEING, "AN ORDINANCE ESTABLISHING A CURFEW FOR PERSONS UNDER THE AGE OF EIGHTEEN YEARS IN THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA; AMENDING ORDINANCE NO.: 511 AND ALL AMENDMENTS THERETO; AND REPEALING ALL OTHER ORDINANCES IN CONFLICT," AND REPEALING ALL TOWN CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised that amendments are recommended to Town Ordinance No.: 1022 being, "An Ordinance Establishing a Curfew For Persons Under the Ago of Eighteen Years in the Town of St. John, Lake County, Indiana; Amending Ordinance No.: 511 and All Amendments Thereto; and Repealing All Other Ordinances in Conflict"; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the provisions and requirements of Indiana Code 31-37-3-1, *et seq.*, as amended from time to time, pertaining to curfew times for minors and minors' rights related to First Amendment activities, as well as the recent decision of the Seventh Circuit Court of Appeals in the case of Hodgkins v. Peterson, et. al., 355 F.3d 1048 (7th Cir. 2004); and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed Town Ordinance No.: 1022, as well as all Amendments thereto, together with the recommended amendments to the same; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, having reviewed the above-described recommendations, applicable Indiana Code provisions, as well as the Town Ordinance No.: 1022, and all Amendments thereto, now concurs that it is advisable, necessary, and in the best interests of the residents of the Town of St. John that amendments to said Town Ordinance No. 1022, and all amendments thereto, or parts thereof, are appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

SECTION ONE: That Town Ordinance No.: 1022 is hereby amended to read, replace existing provisions and provide as follows, namely:

"Minor Curfew.

- A. It is a curfew violation for a child fifteen (15), sixteen (16), or seventeen (17) years of age be in a public place:
 - 1) between 12:00 a.m. and 5:00 a.m. on Saturday or Sunday;
 - 2) after 10:30 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or
 - 3) before 5:00 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.
- B. It is a curfew violation for a child less than fifteen (15) years of age to be in a public place after 10:00 p.m. or before 5:30 a.m. on any day.
- C. A law enforcement officer may not detain a child or take a child into custody based on a violation of this Section unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:
 - 1) the child has violated this Section; and
 - 2) there is no legal defense to the violation.
- D. Violation of this Ordinance shall subject the violator to a minimum fine of Twenty-Five and 00/100 Dollars (\$25.00) and a maximum fine of Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00).
- E. That both the minor child and the parent, guardian or other custodian of the child, shall appear in a court of competent jurisdiction to respond to any allegation of violation of the provisions of this Ordinance."

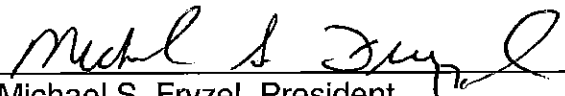
SECTION TWO: That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION THREE: If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

SECTION FOUR: That this ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana, and publication in conformance with applicable law.

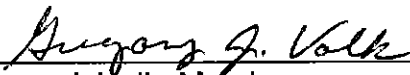
ALL OF WHICH IS PASSED AND ADOPTED THIS **20th** DAY OF **MAY, 2004**, BY
THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

TOWN COUNCIL, TOWN OF ST. JOHN,
LAKE COUNTY, INDIANA



Michael S. Fryzel, President

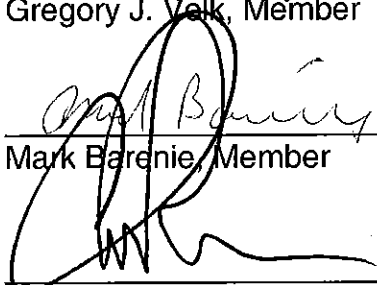
Jerri A. Teibel, Vice-President



Gregory J. Volk, Member

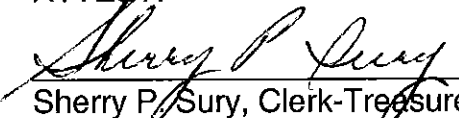


Mark Barenie, Member



Charles E. Pearson, Member

ATTEST:



Sherry P. Sury, Clerk-Treasurer