

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 3, "CURFEW; PARENTAL RESPONSIBILITY" OF CHAPTER 12 OF THE INDEPENDENCE CITY CODE.

WHEREAS, the Council deems it advisable to amend the provisions of Chapter 12 regarding curfews as it pertains to minors and parental responsibility;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. Section 12.03.009 of the Independence City Code is hereby amended to read as:

SEC. 12.03.009. CURFEW; PARENTAL RESPONSIBILITY.

A. City Curfew and I70/M291 District Curfew

1. City Curfew. It is unlawful for a minor (defined as a child under the age of ~~seventeen (17)~~ **eighteen (18) years for this subsection**) to ~~be loiter or play in or~~ upon the public streets ~~or public ways of, public grounds, public buildings, amusement places, dining places, vacant places, shopping places within~~ the City of Independence between the hours of 10:00 p.m. and 6:00 a.m. on any ordinance Sunday, Monday, Tuesday, Wednesday, or Thursday or between the hours of ~~12:00 p.m. midnight~~ and 6:00 a.m. on any Friday or Saturday or on the nights of the eves of the principal U.S. holidays, which are as follows: New Year's Eve, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas. ~~It shall also be unlawful for any minor subject to compulsory school attendance to be upon the streets or public ways, or to be at any public place, between the hours of 8:30 a.m. and 1:30 p.m. on Monday, Tuesday, Wednesday, Thursday or Friday when school is in session for that minor. Provided, however, that the provisions of this section do not~~ **The provisions of this section do not apply** to a minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor ~~or~~, to a minor who is upon an emergency errand directed by his or her parent, guardian, or other adult person having the care and custody of ~~this minor; the minor, to a minor returning directly home from a school activity, recreational event, dance, concert, or to a minor returning directly home from lawful employment.~~

2. I70/M291 District Curfew. It is unlawful for a minor (defined as a child under the age of eighteen (18) years for this subsection) to loiter or play in or upon the public streets, public grounds, public buildings, amusement places, dining places, vacant places, shopping places within the City of Independence between the hours of 9 p.m. and 6 a.m. on any ordinance day of the week. For the purposes of this subsection, the following area shall be considered the I70/M291 District: The area generally described as the area between 40 Highway on the south, 39th Street on the north including all public and private businesses directly accessed by 39th Street, Little Blue Parkway to the East, and M291 Highway to the west including all public and private

businesses directly accessed by Bass Pro Drive west of M291 Highway. The provisions of this section do not apply to a minor accompanied by his or her parent, guardian, or other adult person have the care and custody of the minor, to a minor who is upon an emergency errand directed by his parent, guardian, or other adult person having the care and custody of the minor, to a minor returning directly home from a school activity, recreational event, dance, concert, or to a minor returning directly home for lawful employment.

B. It is unlawful for any legal guardian or any person having custody of a minor **(defined as a child under the age of ~~seventeen (17) years~~ eighteen (18) for this section)** to knowingly fail or otherwise neglect to provide proper care or supervision for the minor, to encourage, condone, ~~or~~ approve **of, or assist in** the commission of delinquent acts, **curfew violations**, and/or to knowingly allow the minor to be endangered or exposed to the potential of abuse or exploitation of others. The presence of a ~~minor under the age of seventeen (17) years~~ **in or** upon the streets ~~or in any~~, public ~~place~~ **grounds, public buildings, amusement places, dining places, vacant places, shopping places** within the City ~~limits of~~ **Independence** during hours as set forth in the preceding ~~paragraph~~ **paragraphs** shall constitute reasonable suspicion that a violation of this section has occurred. All law enforcement officers are authorized to extend protective intervention services to any minor believed to be at risk of harm as set out herein and conduct such further investigation as may be viewed as appropriate under the circumstances. Such an investigation shall cease if it is ascertained that the ~~presence of the~~ minor is ~~due to~~ **accompanied by** his or her ~~traveling to~~ **parent, guardian, or other adult person have the care and custody of the minor, upon an emergency errand directed by his parent, guardian, or other adult person having the care and custody of the minor, returning directly home** from ~~work, any bonafide~~ a **school activity**, recreational or ~~educational program sponsored by any governmental, civic, religious event, dance, concert, or community organization, or travel to or from any duly licensed provider of medical, dental, or psychiatric or related care.~~ **returning directly home for lawful employment.**

C. As used herein, the expression "protective intervention services" shall mean the stopping, questioning, non-punitive detention and transport of a minor to his or her home for the purpose of determining whether the minor has been the victim of unlawful neglect or whether his or her apparent delinquency has been encouraged, condoned, or approved by his or her parent or legal guardian.

D. Any parent or guardian found to be in violation of the neglect provisions of this Section shall be punished as set out in this Chapter. PROVIDED, HOWEVER, that no such sanction shall be imposed upon any parent or legal guardian who enrolls the child at risk in a voluntary curfew program sponsored by the Independence Police Department and/or such parent or legal guardian also enrolls and actively participates in an organized parenting program sponsored by any governmental, church, civic, or community organization.

E. Each day during which conduct prohibited by this section occurs or continues shall constitute a separate offense.

F. Nothing contained herein shall be read or construed as superseding the right of law enforcement officials to, in proper instances, forego institution of any charge or violation of this section when, in the judgment of said officials, it would be appropriate to initiate action against an adult for violation of State

law prohibiting adults from contributing to the delinquency of a minor, or for criminal child abuse and/or child neglect.

G. Nothing in this section shall affect the authority of the mayor to impose a curfew as needed for the safety, security, and well-being of the citizens of the City of Independence.

SECTION 2. That all other parts and provisions of the City Code remain in full force and effect unless previously or subsequently amended or repealed.

PASSED THIS _____ DAY OF _____, 2020, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Text being eliminated by this ordinance is lined through and text being added by this ordinance is bolded and underscored.