

**Legistar File No. 75836 Body**

DRAFTER'S ANALYSIS: This ordinance repeals curfew hours and associated penalties for juveniles.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 23.11 entitled "Minors under Seventeen Not to be Allowed on Streets after Certain Hours" of the Madison General Ordinances is repealed.

2. Table under Subsection (3) of Section 1.08 entitled "Schedule of Deposits" of the Madison General Ordinances is amended as follows:

Offense	Ord. No./Adopted Statute No	Deposit
Trespass to vehicle.	23.07(11)	\$100
Person aged 14 to 17 years in violation of curfew.	23.11(2)	\$10, 1st \$25, 2nd & subsequent
<del>Parent or legal guardian permitting person aged 14 to 17 years to violate curfew.</del>	23.11(4)	<del>\$25, 1st \$50, 2nd \$100, 3rd &amp; subsequent</del>
Violate transient hotel/motel regulations.	23.12	\$400, 1st \$600, 2nd

EDITOR'S NOTE: Section 23.11 entitled "Minors under Seventeen Not to be Allowed on Streets after Certain Hours" of the Madison General Ordinances currently reads as follows:

**"23.11 MINORS UNDER SEVENTEEN NOT TO BE ALLOWED ON STREETS AFTER CERTAIN HOURS**

(1) Definitions.

"Curfew Hours" means the following times:

- (a) From eleven o'clock (11:00) p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until four o'clock (4:00) a.m. of the following day, and
- (b) From twelve o'clock (12:00) a.m. until five o'clock (5:00) a.m. on any Friday or Saturday.

"Custodian" means a person at least eighteen (18) years of age who has been authorized by a parent or guardian to have the care and custody of the juvenile.

"Juvenile" means any person who is at least twelve (12) years of age but less than seventeen (17) years of age.

"Organized Dance" means any school, church or non-profit sponsored dance, which has qualified for an exception under Madison General Ordinance Section 9.03(2).

- (2) It shall be unlawful for any juvenile to be upon the streets or alleys or public places within the City of Madison during curfew hours.
- (3) The following are exceptions to subsection (2):
  - (a) The juvenile was accompanied by his or her parent, legal guardian, or custodian, or
  - (b) The juvenile was attending an organized dance, or

- (c) The juvenile was exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech or the right to assembly.
  - (d) The juvenile was returning directly to his or her residence from his or her place of employment.
  - (e) The juvenile was attending an organized school activity.
  - (f) The juvenile was attending an official faith-based group or community-based group event.
- (4) It shall be unlawful for any parent, legal guardian or custodian to knowingly cause or permit a juvenile to be in violation of this Ordinance.
- (5) Enforcement. Prior to issuing a citation for a violation of Subsection (2) a police officer shall ask the juvenile's age and reason for being in the public place. A police officer shall not issue a citation under Subsection (2) unless the officer reasonably believes that an offense has occurred and that none of the exceptions found in Subsection (3) apply.
- (6) Penalties.
- (a) Any person who violates subsection (2) of this Ordinance is subject to a forfeiture of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00).
  - (b) Any person who violates subsection (4) of this Ordinance shall be subject to a forfeiture of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00).