

The following ordinance having been introduced at a duly convened meeting on March 21, 2023, and notice of its introduction having been published in the official journal and a public hearing having been held in connection therewith on this date, was offered for final adoption by Mr. Francis Touchet Jr. and seconded by Mr. Tony Hardy :

Ordinance # 23-06
ORDINANCE Article IV, Chapter 13, Sec. 13-46

WHEREAS, Article IV, Chapter 13, City of Abbeville Code of Ordinances deals with curfew for minors.

WHEREAS, the City Council does hereby determine that it is in the best interest of the City to amend this ordinance as detailed below.

BE IT ORDAINED by the City Council of the City of Abbeville (the “Governing Authority”), acting as the governing authority of the City of Abbeville, State of Louisiana, amends Section 13-46 of the City of Abbeville Code of Ordinances, and the same is hereby amended as follows:

Sec. 13-46. – Curfew for minors.

(a) *Established.* A curfew for certain minors is hereby established as provided in this section. It shall be unlawful for any minor under the age of majority (18) to loiter, idle, wander, stroll or drive any motorized vehicle or bicycle in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, bus stations, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 8:30 p.m. and 5:00 a.m. from Sunday through Thursday and from 10:00 p.m. to 5:00 a.m. from Friday through Saturday in the city; provided, however, that the provisions of this subsection do not apply to a minor accompanied by his parent, guardian or other adult person having the care and custody of the minor, or to a minor upon an emergency errand of legitimate purpose directed by his parents, guardian or other adult person having the care and custody of the minor. Each violation of the provisions of this subsection shall constitute a separate offense.

(b) *Parent's responsibility.* It shall be unlawful for the parent, guardian or other person having the care and custody of a minor under the age of majority (18), to permit such minor to loiter, idle, wander, stroll or drive any motorized vehicle or bicycle in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, bus stations, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 8:30 p.m. and 5:00 a.m. from Sunday through Thursday and from 10:00 p.m. to 5:00 a.m. from Friday through Saturday in the city; provided, however, that the provisions of this subsection 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 when the minor is upon an emergency errand or legitimate purpose directed by his or her parent, guardian or other adult person having the care and custody of the minor. Each violation of the provisions of this subsection shall constitute a separate offense.

(d) *Presumption of guilt.* Any minor under the age of majority (18) who shall be found to loiter, idle, wander, stroll or drive any motorized vehicle or bicycle in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, bus stations, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 8:30 p.m. to 5:00 a.m., from Sunday through Thursday and from 10:00 p.m. to 5:00 a.m. from Friday through Saturday, in the city, unless accompanied by his parents, guardian or other adult person having the care and custody of the minor, shall be presumed to be acting without the authority or permission of his or her parents, guardian or other adult person having the care and custody of the minor, which presumption may be rebutted by the testimony of the parent, guardian or other adult person having the care and custody of the minor.

(f) *Penalties.* Any minor violating the provisions of subsection (a) hereof shall be dealt with in accordance with Juvenile Court Law and Procedures, as set forth R.S. 13:1564 through 13:1606 or applicable state law. Any parent, guardian or other adult person having the care and custody of a minor found guilty of violating subsection (b) hereof, or any person operating or in charge of any place of amusement, entertainment or refreshment in the city, who shall be found guilty of violating subsection (c) of

this section, upon conviction shall punished by a fine of not less than fifty dollars (\$50.00) on a first offense, \$75 on a second offense and \$100 on a third offense, and not exceeding five hundred dollars (\$500.00), or imprisonment for a term not exceeding sixty (60) days, or by both such fine and imprisonment, or the maximum allowed by state law, within the discretion of the court. Each day any violation of any provision of this Code shall continue constitutes a separate offense.

Effective Date. This Ordinance shall become effective upon execution by the Mayor.

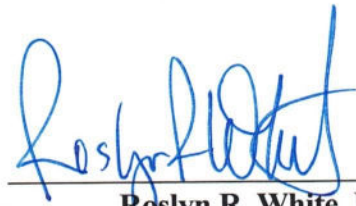
This ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: 5
NAYS: 0
ABSENT: 0

And the ordinance was declared adopted on this 4th day of April, 2023.



Kathleen Faulk, Clerk



Roslyn R. White, Mayor

Presented to Mayor White for her signature: 4/5/23
Received back signed: 4/11/23