

BILL NO. 94-09

ROUND MOUNTAIN TOWN

ORDINANCE NO. 94-09

SUMMARY: AN ORDINANCE ENACTING MINORS' CURFEW REGULATIONS WITHIN THE UNINCORPORATED TOWN OF ROUND MOUNTAIN, COUNTY OF NYE, STATE OF NEVADA, PROVIDING PENALTIES FOR VIOLATIONS HEREOF, AND OTHER MATTERS PROPERLY RELATING THERETO.

TITLE: AN ORDINANCE CREATING MINORS' CURFEW REGULATIONS FOR THE UNINCORPORATED TOWN OF ROUND MOUNTAIN; PROVIDING FOR MINORS UNDER FOURTEEN; PROVIDING FOR MINORS OVER FOURTEEN; PROVIDING FOR EXEMPTIONS; PROVIDING FOR COMPLIANCE BY PARENTS AND GUARDIANS; PROVIDING FOR EXTENSION BY AUTHORITIES; PROVIDING FOR VIOLATORS SUBJECT TO JUVENILE COURT ACT; PROVIDING FOR THE CONSTITUTIONALITY, SEVERABILITY, REPEAL AND EFFECTIVE DATE HEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Town Board for the Unincorporated Town of Round Mountain, pursuant to NRS 269.155 has the power and duty to pass and adopt all ordinances for the Town; and

WHEREAS, it is the consensus of the members of the Round Mountain Town Board that a need exists for the creation of a minors' curfew ordinance.

NOW, THEREFORE, the Town Board of the Unincorporated Town of Round Mountain, County of Nye, State of Nevada, does ordain:

1. IMPOSED-MINORS UNDER FOURTEEN. It is unlawful for any minor who has not yet attained the age of fourteen years, or who is not lawfully enrolled in a high school, to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, or vacant lots within the town between the hours of ten p.m. and five

a.m. of the succeeding day; provided, however, that the provisions of this section do not apply to a minor who is lawfully married; who is accompanied by his or her parent, guardian, or other adult person having the authorized care and custody of the minor; who is involved in an emergency; who is engaged in lawful employment activity or going to or returning home from an employment activity, without any detour or stop; who is conducting legitimate business or an errand at the direction of his or her parent, guardian, or other adult person having the authorized care and custody of the minor, without any detour or stop; who is in a motor vehicle involved in interstate travel; who is on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence; or who is exercising First amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

2. IMPOSED-MINORS OVER FOURTEEN. It is unlawful for any minor who has not yet attained the age of eighteen years, but who has attained the age of fourteen years, or is lawfully enrolled in high school, to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, and vacant lots within the town between the hours of eleven p.m. and five a.m. of the succeeding day; Sunday through Thursday, both inclusive, and twelve midnight and five a.m. of the succeeding day on Friday night, Saturday night, and the night before any legal holiday on which school is not in attendance; provided, however, that the provisions of this section do not apply to a minor who is lawfully

married; who is accompanied by his or her parent, guardian, or other adult person having the authorized care and custody of the minor; who is involved in an emergency; who is engaged in lawful employment activity or going to or returning home from an employment activity, without any detour or stop; who is conducting legitimate business or an errand at the direction of his or her parent, guardian, or other adult person having the authorized care and custody of the minor, without any detour or stop; who is in a motor vehicle involved in interstate travel; who is on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence; or who is exercising First amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

3. EXEMPTIONS. A. Anything in this ordinance contrary notwithstanding, minors under the age of eighteen years who are attending, going to or returning home from without any detour or stop, an authorized school, religious or other recreational activity supervised by adults and sponsored by the town of Round Mountain, a civic organization, or another similar entity that takes responsibility for the minor, extending later than the curfew imposed by the Sections 1 and 2, shall be exempted from the provisions of this ordinance for a period extending thirty minutes later than the conclusion of such authorized school activity, or thirty minutes later than the time such minor leaves the authorized school activity, whichever is earlier.

B. Minors who are lawfully engaged in employment extending later than the curfew imposed by this ordinance, shall be exempted from the provisions of this ordinance, for a period extending thirty minutes from the conclusion of daily employment.

4. COMPLIANCE BY PARENTS AND GUARDIANS. It is unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of eighteen years to knowingly permit such minors to violate the provisions of Sections 1 and 2. Each violation of the provisions of this section shall constitute a separate offense.

5. EXTENSION BY AUTHORITIES. Upon the written request to the sheriff and/or juvenile probation officers by any school superintendent or principal in the town, or the governing authority of any religious organization or official government agency, the sheriff and/or juvenile probation officers shall be empowered to extend the curfew until one a.m. on special occasions.

6. VIOLATORS SUBJECT TO JUVENILE COURT ACT. Minors violating the provisions of this ordinance, shall be declared within the purview of NRS Chapter 62, (Juvenile Court Act), and subject to the punishments therein imposed.

7. CONSTITUTIONALITY. If any section, clause, or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

8. SEVERABILITY. If any provision of this ordinance shall be declared by a court of competent jurisdiction to be illegal or unconstitutional, it shall in no way affect the remainder of the ordinance or any section thereof, it being intended that the remainder shall remain in full force and effect.

9. REPEAL. Any and all ordinances or regulations or parts of ordinances or regulations of the Unincorporated Town of Round Mountain, Nevada, in conflict with this ordinance are hereby repealed.

10. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to-wit: from and after the 26 day of May, 1994.

Proposed on the 8 day of March, 1994.

Proposed by Board Member Kathy Quick.

Passed on the 26 day of April, 1994.

VOTE: AYES: Members Dan Earp, Joanne Arnston, Kathy Quick  
NAYS: Members None  
ABSENT: Members L. C. Hansen

ATTEST:

Kathy Quick  
Kathy Quick  
Town Clerk

Joni Eastley  
Joni Eastley  
Chairperson

This ordinance shall be in full force and effect from and after the 26 day of May, 1994.