

1 An ordinance repealing Ordinance 63784, approved on June 11, 1996, pertaining
2 to the preservation of the public peace and safety in the City of St. Louis and for the residents
3 thereof by establishing a curfew applicable to juveniles and regulating their presence in public
4 streets, alleys, right-of-ways and other similar places and defining the duties of parents and
5 guardians of juveniles and providing for their violation thereof and enacting in lieu thereof a new
6 ordinance pertaining to the same subject matter and containing penalty, severability and
7 emergency clauses.

8 WHEREAS, the Board of Aldermen hereby finds there has been a significant
9 breakdown in the supervision normally provided by certain parents and guardians of juveniles
10 under seventeen (17) years of age resulting in juveniles being involved in a wide range of
11 unacceptable behavior including vandalism, noisy and rowdy behavior, breaking glass, breaking
12 and entering, public drinking, littering and harassment of residents and gang activities; and

13 WHEREAS, the Board of Aldermen hereby further finds that juveniles under seventeen
14 (17) years of age are endangered by being out on public streets, alleys, right of ways and other
15 similar places after certain late hours at night and during very early hours in the morning;

16 WHEREAS, the Board of Aldermen hereby finds that the younger a juvenile is the more
17 at risk such person is when out on the street at inappropriate times;

18 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

19 **SECTION ONE.** Ordinance 63784, approved on June 11, 1996, is hereby

1 repealed and in lieu thereof the following new ordinance is enacted.

2 **SECTION TWO.** The following words shall have the following definitions as
3 used in this ordinance:

4 (I) "Juvenile" or "Minor" is any person under the age of (17) seventeen.

5 (ii) "Parent" is any natural or adopted parent, any person having legal custody of a
6 juvenile, or an adult that has assumed responsible custody and control of said juvenile.

7 (iii) "Remain" means to stay behind, to tarry and to stay unnecessarily upon the
8 streets, alleys, right-of-ways or similar places.

9 (iv) "Knowingly" shall be defined as knowledge which a parent should reasonably
10 be expected to have concerning the whereabouts of a juvenile.

11 **SECTION THREE.** A. It shall be unlawful for any juvenile under the age of
12 five (5) years to be or remain in or upon the streets, alleys, sidewalks or other similar places
13 within the City of St. Louis during the period ending at 5:00 a.m. and beginning at 8:00 p.m.
14 every night of the week, except as provided in this ordinance.

15 B. It shall be unlawful for any juvenile who is at least five (5) years of age and under the
16 age of eleven (11) years to be or remain in or upon the streets, alleys, sidewalks or other similar
17 places within the City of St. Louis during the period ending at 5:00 a.m. and beginning at 11:00
18 p.m. on Friday and Saturday nights and at 10:00 p.m. on all other nights, except as provided in
19 this ordinance.

20 C. It shall be unlawful for any juvenile eleven (11) years of age or older to be or remain
21 in or upon the streets, alleys, sidewalks or similar places within the City of St. Louis at night

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1 during the period ending at 5:00 A.M. and beginning at 11:59 P.M. on Friday and Saturday Night
2 and at 11:00 P.M. on all other nights, except as provided in this Ordinance.

3 **SECTION FOUR.** Exemptions to curfew restrictions.

4 The provisions of this ordinance shall not apply to any juvenile who:

5 (i) is accompanied by the parent of such juvenile or by a person over the age of
6 twenty-one authorized by a parent.

7 (ii) is over the age of fifteen (15) years and is returning home by a direct route
8 from such person's place of employment.

9 **SECTION FIVE.** "Parental Responsibility". It shall be unlawful for a parent
10 after receiving a written warning notice pursuant to Section Six of this Ordinance to knowingly
11 permit a juvenile to remain upon any city street, alley, right-of-way, or similar place under
12 circumstances not constituting an exception to, or otherwise beyond the scope of, the curfew
13 ordinance.

14 **SECTION SIX.** "Enforcement Procedure". If a police officer reasonably
15 believes that a juvenile is on the streets in violation of the curfew ordinance, the officer shall
16 notify the juvenile that he or she is in violation of the ordinance and shall require the juvenile to
17 provide his or her name, address and telephone number and how to contact his or her parent. In
18 determining the age of the juvenile and in the absence of convincing evidence such as a birth
19 certificate or driver's license, or permit, a police officer on the street shall use his/her best
20 judgment in determining age. If the police determine that a person is in violation of this
21 ordinance he shall take the juvenile to the police station or other appropriate holding facility

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1 where a parent shall immediately be notified to come for the juvenile whereupon they shall be
2 questioned, and a written warning notice shall be issued to both the juvenile and the parent or
3 parents, and the Division of Family Services. However, this does not preclude a police officer,
4 using his discretion, from transporting said juvenile to his home.

5 **SECTION SEVEN.** The parent(s) of the juvenile shall have violated this
6 Ordinance if, within twelve (12) months after receipt of a written warning notice pursuant to
7 Section Six, a second curfew violation against the same juvenile is issued.

8 **SECTION EIGHT. PENALTY.**

9 Upon conviction for a violation of this ordinance, punishment shall be imposed
10 by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars
11 (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and
12 imprisonment; provided further, the sentencing court may suspend imposition of judgment or
13 sentence upon parole for the successful performance of supervised community public service of
14 not less than twenty (20) hours.

15 **SECTION NINE. SEVERABILITY CLAUSE.**

16 The sections of this Ordinance shall be severable. In the event that any section of
17 this Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining
18 sections of this Ordinance are valid unless the court finds the valid sections of this Ordinance are
19 so essentially and inseparably connected with, and so dependent upon, the void section that it
20 cannot be presumed that the Aldermen would have enacted the valid sections without the void
21 ones, or unless the Court finds that the valid sections, standing alone, are incomplete and

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1 incapable of being executed in accordance with the legislative intent.

2 **SECTION TEN. EMERGENCY CLAUSE.**

3 This ordinance being necessary for the immediate preservation of the public
4 peace, health and safety, it is hereby declared to be an emergency measure and shall take effect
5 upon approval or adoption.