

BILL NO. 017-02  
ORDINANCE NO. 135.10-01

*TO BE CODIFIED AS SECTION 135.10*

AN ORDINANCE REPLACING SECTION 135.10 OF THE CODE OF HAWK POINT,  
MISSOURI, REGARDING CURFEW

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF HAWK  
POINT, MISSOURI, THAT SECTION 135.10 SHALL BE REPLACED TO READ AS  
FOLLOWS:

**135.10 CURFEW.**

- (A) For purposes of this Section, the following words and phrases are defined as follows:  
GUARDIAN: Guardian appointed by court of competent jurisdiction.  
MINOR: Any person under the age of seventeen (17).  
PARENT: The natural or adoptive father or mother, legal guardian, or any other person  
having the care or custody of a minor child.  
PARENTAL NEGLECT: Any act or omission by which a parent fails to exercise  
customary and effective control over a minor so as to contribute to, cause, or tend to  
cause a minor to commit any offense.
- (B) It shall be unlawful for any person under the age of seventeen (17) years to be in or upon  
any public place or way within the City of Hawk Point between the hours of 10:00 p.m.  
and 6:00 a.m., Sunday at 10:00 p.m. to Friday at 6:00 a.m. (week nights), and 12:00 a.m.  
to 6:00 a.m., Friday at 12:00 a.m. to Sunday at 6:00 a.m. (weekend nights). The  
provisions of this section shall not apply to any such persons accompanied by a parent, to  
any such person upon an errand or other legitimate business directed by such person's  
parent, to any such person who is engaged in gainful, lawful employment during such  
time period, or who is returning or in route to said employment, or to any such person  
who is attending or in route to or from any organized religious or school activity.
- (C) Whenever a minor shall be detained or arrested for violation of this section, the Police  
shall, as soon as possible thereafter, deliver written notice to the minor's parent of the  
detention or arrest, and such notice shall advise the parent of his/her responsibility under  
this section. The notice shall be in such a form as to be signed by the parent  
acknowledging receipt thereof. If the parent refuses to sign said notice, the Police shall  
indicate such refusal on the notice.
- (D) Said notice as described above shall be prima facie evidence of parental neglect if the  
minor commits a second or successive violation of this section.
- (E) A parent shall not allow a minor to violate this section; in the event the parent does so  
after the notice as described above, the parent shall be guilty of parental neglect.
- (F) Each violation of this section shall constitute a separate offense; any person who violates  
this section shall be subject to the following fines: Within a twelve-month period  
beginning with the first violation . . . . two hundred dollars for the first violation, two  
hundred seventy-five dollars for the second violation, three hundred fifty dollars for the

third violation, and four hundred fifty dollars for the fourth and any subsequent violations.

Savings Clause.

Except as expressly set forth herein, nothing contained in this ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant, or otherwise nullify any other ordinance of the city, or the requirements thereof, whether or not relating to or in any manner connected with the subject matter hereof.

Severability Clause.

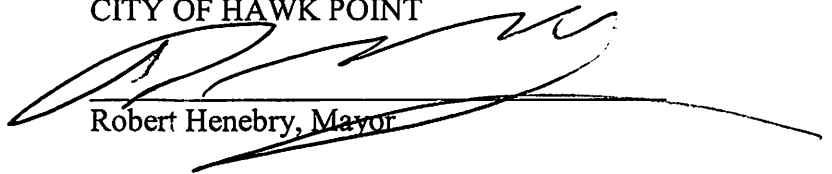
If any term, condition, or provision of this ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provisions which had been held invalid is no longer invalid, said provisions shall thereupon return to full force and effect without further action by the city and shall thereafter be binding.

Effective Date.

This ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed and approved by the Board of Aldermen of the City of Hawk Point, Missouri, on this 3<sup>rd</sup> day of April, 2017.

CITY OF HAWK POINT



Robert Henebry, Mayor

ATTEST:

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Samantha Shelton, City Clerk