

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WAVERLY, MISSOURI, AN ORDINANCE ENTITLED AN ORDINANCE TO PROHIBIT THE LOITERING OF MINORS AND PROVIDING FOR THE RESPONSIBILITY OF PARENTS FOR THEIR MINOR CHILDREN AND THE DEFINITION OF A MINOR CHILD AND SETTING THE HOURS OF WHICH A MINOR CHILD MAY BE ON THE PUBLIC STREETS, PARKS, PLAYGROUNDS, HIGHWAYS, ROADS, ALLEYS, OR PUBLIC BUILDINGS WITHIN THE CORPORATE LIMITS OF THE CITY OF WAVERLY AND, FURTHER, PROVIDING FOR PENALTY FOR ANY VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WAVERLY, MISSOURI, AS FOLLOWS:

Section 1. It should be unlawful for any minor under the age of 18 years to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, playgrounds, parks, public buildings or to attend or frequent places of amusement, places where refreshments are served, drinking emporiums, taverns and other unsupervised public places, between the hours of 10 P.M. and 6:00 A.M. and for minors over the age of 18 years between the hours of 11:00 P.M. and 6:00 A.M. Each violation of the provisions of this section shall constitute a separate offense.

Section 2. The provisions of this Ordinance shall not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of the minor child or when the minor is on an emergency errand directed by his or her parent, guardian or other adult person having the care and custody of the minor child. Each violation of the provisions of this section shall constitute a separate offense.

Section 3. It shall be unlawful for the parent, guardian, or other adult person having the care and custody of the minor child under the age of 21 years to knowingly permit such minor to violate the provisions of this section. Each violation of this section shall constitute a separate offense.

Section 4. It shall be unlawful for the keeper or proprietor of any place of public amusement, place of refreshment, drinking emporiums, restaurants or other public places of amusements, refreshment, or entertainment, to permit any minor under the ages defined in Section 1 above of this Code to enter their place of business in violation of Section 1, unless accompanied by their parents, guardian, or other adult person having the care and custody of the minor child, the presence of a minor unaccompanied as aforesaid in any such public place hereinafter mentioned, shall constitute prima facis evidence that the keeper thereof permitted said minor to enter such public place with the knowledge and consent.

Section 5. Any minor violating the provisons of Section 1 hereof shall immediately be turned over to the County Juvenile Officer for appropriate action to be taken by the Juvenile Officer in accordance with the Juvenile Code of the State of Missouri, who is under the age of 16 years. Any person over the age of 16 years who is found violating this Ordinance shall be fined by the Municipal Court of not less than \$25.00 nor more than \$100.00 for each and every offense committed as defined in this Section. Any minor violating the provisions of Section 1 shall be guilty of a misdemeanor and upon conviction shall be fined of not less than \$25.00 nor more than \$300.00 for each offense. Any keeper, or proprietor of any place of amusement, as defined in Section 4 who shall violate any provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than \$25.00 nor more than \$300.00 for each and every offense.

Section 6. Each person stopped and questioned who may be a minor by any police officer or law enforcement officer or any other person shall inquire of him whether the parent or legal guardian having care and custody of such minor has knowledge of, and has given consent to the presence of the minor child in or on the public streets, park, square or public place involved.

Section 7. A response by the minor that a parent or legal guardian neither has knowledge nor has given consent to his presence in or on the public street, park, square, or public place in question, shall constitute grounds for the officer to escort the minor in question to the address given, to inform the parent or legal guardian of the actions of the minor in question, and to inform the parent or legal guardian that he may be held responsible for the delinquency of the minor.

Section 8. A response by the minor that a parent or legal guardian has knowledge of and/or has given consent to his presence in or on the public street, park, square or public place in question shall constitute grounds to call the parent or legal guardian of the minor, at the phone number given, or at the phone number registered and listed with the phone company, for a corroborating statement by the parent or legal guardian.

Section 9. Should the parent not corroborate the statement of the minor, or should no parent or legal guardian answer the phone, the police officer shall escort the minor home and shall follow the procedure outlined herein.

Section 10. Should the parent or legal guardian answering the phone corroborate the statement of the minor in question, the police officer shall inform the parent or legal guardian that continuous presence of a minor in or on the public streets, parks, squares, or other public places during the proscribed hours may constitute lack of proper supervision and care by the parent or legal guardian of said minor and may be considered evidence in proceedings for aiding in the delinquency of a minor, as proscribed herein. The police officer shall then allow the child to continue on his way or shall escort the child home, as desired by the parent or legal guardian.

Section 11. Should the minor identify himself as a nonresident of the City, the police officer shall check to see if the minor has been found present in or on a public street, park, square, or other public place within the previous three months.

Section 12. If there is no record of the minor being found present in or on a public street, park, square, or other public place within the previous three months, the police officer shall inform the minor in question of this chapter and shall escort him to the place within the municipal jurisdiction of the City at which he or she is staying. If the minor is a transient who intends to leave the City before the next morning, the minor shall be detained and the parent or legal guardian of that minor shall be informed that the minor will be detained if desired until the parent or legal guardian, or the designee of the parent or legal guardian, arrives to claim said minor. If the parent or legal guardian of the transient minor so requests, the police officer shall release the minor and escort him out of the corporate limits of the City.

Section 13. If the nonresident minor has been found present in or on a public street, park, square, or other public place within the previous three months, the officer shall follow the procedure for transient minors, as found in subsection 1 of this section, except that the minor shall not be released until claimed by a parent or legal guardian or the designee of the parent or legal guardian.

Section 14. No parent or legal guardian having the care and custody of a minor shall fail to properly supervise and care for such child in such failure of supervision or care shall cause the child to be brought before the Juvenile Court of the State

or any other court of the City or State, for delinquency or youthful offender proceedings.

Section 15. Continuous presence by a minor during the prescribed hours in or on the public streets, parks, squares, or other public place shall constitute prima facie evidence of failure by the parent or legal guardian to properly supervise said minor and shall be considered a cause of the delinquency or offense committed.

READ THREE TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WAVERLY, THIS 4th DAY OF NOVEMBER, 1986.

BOARD OF ALDERMEN

BY:

Eugene D. Iman
Mayor

ATTEST:

Grace Kemering
Secretary