

COPY

ROOSEVELT COUNTY ORDINANCE #5

29-57

An Ordinance establishing a county-wide curfew in Roosevelt County, Montana; providing for penalties for violations; and establishing an effective date.

WHEREAS, the Roosevelt County Commissioners have determined that a County ordinance is needed to supplement the various municipalities and tribal curfew laws.

NOW THEREFORE, IT IS HEREBY ORDERED:

Section 1. CURFEW

- A. It shall be unlawful for any child under the age of eighteen (18) years of age, to be upon any public place or thoroughfare within the exterior boundaries of the County of Roosevelt, State of Montana between the hours of **11:00 p.m. and 5:00 a.m.**
- B. The provisions contained herein shall not apply to any minor who is accompanied by his or her parent or guardian, nor shall they apply until one-half hour after the close of any school or community function, which has been attended by such minor.
- C. It shall be the duty of the peace officers to apprehend and take into custody any minor child found in violation of this Ordinance and to hold said minor until his or her parents or guardian have been summoned and appear. Said child may be charged and penalties may be imposed as per the juvenile laws of the State of Montana, which are by reference incorporated herein and made a part of this Ordinance, which shall be considered a misdemeanor offense.

Section 2. PARENT/GUARDIAN LIABILITY

- A. Any parent or guardian of a minor child charged herein who shall fail or refuse to have their child observe and obey the provisions herein may also be charged with a violation of this Ordinance.
- B. Upon a first conviction, the parent or guardian shall be punished by the Court as follows:
 - 1. A fine of not less than \$25 or more than \$50;
 - 2. Not more than 20 hours of community service; and
 - 3. Incarceration in the County Jail for not more than twenty-five days.
- C. Upon a second conviction a parent or guardian shall be punished by the Court as follows:
 - 1. A fine of not less than \$50 or more than \$100;
 - 2. Not less than 20 hours of community service or more than 40 hours of community service; and
 - 3. Incarceration in the County Jail for not more than twenty-five days.
- D. Upon a third or subsequent conviction a parent or guardian shall be punished by the Court as follows:

1. A fine of not less than \$100 or more than \$250;
 2. Not less than 40 hours of community service or more than 80 hours of community service; and
 3. Incarceration in the County Jail for not more than twenty-five days.
- E. It shall be presumed that the parent or guardian has failed or refused to have their child observe and obey the provisions of this Ordinance if their child's offense is his or her third offense in a 12-month period. This presumption may not be used against a parent or guardian who makes the initial report to authorities of the pending curfew violation.
- F. Upon any conviction of the parent or guardian under Section 2, the Court shall sentence the parent or guardian, in addition to any other punishment provided herein, to serve a minimum of forty eight hours (48) in the county jail, which may not be suspended, if the minor child's curfew violation is his or her third or subsequent offense in 12 month period.

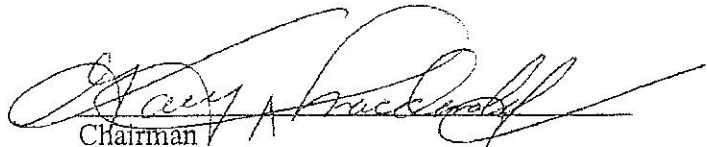
Section 3. OTHER

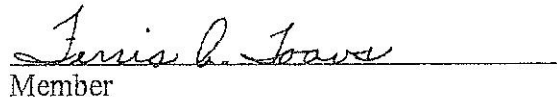
- A. For purposes of this Ordinance, the 12-month time period referred to herein, shall begin to run from the date of the first offense during the previous 12 months and end on the date of the present offense and not the date of actual conviction.
- B. This Ordinance shall be effective 30 days after the second reading of the Ordinance by the Roosevelt County Commissioners.

Dated this 9th day of June, 2003.

First Reading Date: 5-14-03 Vote for: 3 Vote against: _____

Second Reading Date: 6-9-03 Vote for: 3 Vote against: _____


Chairman


Member


Member

Attest:

Sonja Strickland, deputy

Clerk and Recorder, Roosevelt
County, Montana, and Ex-Officio
Clerk of the Board of County
Commissioners of said County

