

CITY OF LANSING

800 1st Terrace
Lansing, KS 66043
913-727-3233 Fax: 913-828-4579
www.lansing.ks.us

WORK SESSION AGENDA

October 24, 2019
Thursday
7:00 p.m.
Lansing City Hall

Call To Order:

- I. City Code Changes – Section 12-205 Curfew
- II. Parks Master Plan Briefing

Adjournment



WORKSESSION ITEM

TO: Tim Vandall, City Administrator
FROM: Elizabeth Sanford, Finance Director ^{ES}
DATE: October 16, 2019
SUBJECT: Changes to City Code Sec. 12-205 - Curfew

The municipal courts in Leavenworth County are seeing an increase in curfew violations. The judge feels that our current code section and penalties are insufficient for dealing with these types of violations. He has requested that all the municipal courts in Leavenworth County make changes.

The proposed changes are attached. Gail Garrett, Municipal Court Clerk, will be available to answer any questions.

WORKSESSION ITEM #

Current section reads as follows:

~~Sec. 12-205.—Curfew.~~

~~A. Persons under 16. It shall be unlawful for any person under 16 years of age to be or to remain upon any street or alley or other public place, including but not limited to any motor vehicle, in the City between the hours of 10:30 p.m. and 6:00 a.m., unless accompanied by a parent, guardian or a person of the age of 21 years or more with parental or guardian approval, or unless such person is engaged in some business or occupation which such person may lawfully engage in making it necessary to be in such places after 10:30 p.m.~~

~~B. Persons over 16. It shall be unlawful for any person over 16 years of age and under 18 years of age to be or to remain upon any street or alley or other public place, including but not limited to any motor vehicle, in the City, between the hours of 12:30 a.m. and 6:00 a.m., unless accompanied by a parent, guardian or a person of the age of 21 years or more with parental or guardian approval, or unless such person is engaged in some business or occupation which such person may lawfully engage in making it necessary to be in such places after 12:30 a.m., or unless any person specified in this subsection is attending, with the consent of a parent or guardian, an approved school function that would extend beyond the curfew deadline specified in this subsection.~~

~~C. Penalty. A violation of the provisions of this section shall subject the offender's parent or guardian to a fine not to exceed \$25.00 for each offense.~~

Amended section would be:

Sec. 12-205. – Curfew

A. Definitions. For the purpose of this Section:

1. “Authorized” means that which has been previously deemed permissible or acceptable by a Parent/Legal Guardian or Custodian.
2. “Custodian” means an adult person, other than the parent, at least 21 years of age, having the legal responsibility for the care and custody of a Minor.
3. “Minor” means any person under the age of 18 years.
4. “Parent/Legal Guardian” means the primary parent or guardian of a minor.
5. “Permit” means to knowingly allow, or to fail to prevent due to lack of reasonable effort, the supervision and control of a minor.
6. “Remain” means to unnecessarily tarry, stay, loiter, or idle.

B. Nocturnal Curfew for Minors.

1. Minors age 15 years and younger. It shall be unlawful for any child 15 years of age or younger to wander, loiter, remain or play in, about, or upon any public street, alley, sidewalk, vacant lot, public place or other place normally accessible to the general public for public use, whether on foot, in a vehicle or by any other means of transportation, between the hours of 10:30 p.m. and 6:00 a.m. unless accompanied by a

Parent/Legal Guardian or Custodian. Such prohibition shall not apply to such children who are en route by the most direct and accessible route between their homes and Authorized places of attendance, including but not limited to places of employment, entertainment, or those listed in Paragraph F5 of this Section.

2. Minors age 16 through 17 years of age. It shall be unlawful for any child ages 16 through 17 to wander, loiter, remain or play in, about, or upon any public street, alley, sidewalk, vacant lot, public place or other place normally accessible to the general public for public use, whether on foot, in a vehicle or by any other means of transportation, between the hours of 11:30 p.m. and 6:00 a.m. unless accompanied by a Parent/Legal Guardian or Custodian. Such prohibition shall not apply to such children who are en route by the most direct and accessible route between their homes and Authorized places of attendance, including but not limited to places of employment, entertainment, or those listed in Paragraph F5 of this Section.
- C. Custodial Liability for Minors. It shall be unlawful for any Parent/Legal Guardian or Custodian to Permit a Minor under his/her care and control to wander about or to Remain in or upon any public street, road, avenue, alley, park or other public place as prohibited by this Section, except in the case of necessity.
- D. Enforcement Procedures.
1. If a police officer reasonably believes that a Minor is engaged in activity prohibited by this Section, the officer shall inform the Minor that he/she is in violation of the curfew ordinance and request that the Minor provide his/her complete name and address and how to contact his/her Parent/Legal Guardian or Custodian.
 2. If the Minor fails to or refuses to furnish the requested information to the officer, the Minor shall be transported and released to the Juvenile Intake Center.
 3. If the Minor furnishes the requested information, then the officer shall keep the Minor within the officer's care until a Parent/Legal Guardian or Custodian can take custody of and responsibility for the Minor.
 4. If the Parent/Legal Guardian or Custodian is able to come to the officer's location, he/she shall be required to do so to take custody of the Minor. A citation shall be served upon the Parent/Legal Guardian or Custodian for the curfew violation.
 5. If the Parent/Legal Guardian or Custodian is unable to come to the officer's location, then, at the discretion of the Chief of Police or his/her designee, the officer may be allowed to transport the Minor to the Minor's place of residence, provided that the Parent/Legal Guardian or Custodian will be at that residence to take custody of the Minor. A citation shall then be served upon the Parent/Legal Guardian or Custodian for the curfew violation.
 6. If the Parent/Legal Guardian or Custodian is unable to come to the scene and is not present at the Minor's place of residence, then the officer shall transport the Minor to the Juvenile Intake Center where the Minor will be transferred into that facility's

custody. The officer will complete a citation for the curfew violation and forward it to the municipal court for service via certified mail.

7. The officer shall complete a brief incident narrative detailing the circumstances of the violation, including the name, date of birth, address, phone number, person descriptors, driver's license number and any other necessary information for:
 - (a) The Parent/Legal Guardian or Custodian;
 - (b) The Minor; and
 - (c) Any and all witnesses or other Minors who may have been on scene at the time of the incident.
8. If the Minor was operating a vehicle at the time of the incident, it shall be at the discretion of the officer to release the vehicle to the Parent/Legal Guardian or Custodian upon proof of a valid driver's license. Should the vehicle be left at the scene to be picked up later, the officer shall ensure the vehicle is secured prior to releasing all parties involved.

E. Penalties.

1. Any Minor violating the provisions of this Section shall be dealt with according to the laws governing juveniles set forth by the City and the State of Kansas.
2. Any Parent/Legal Guardian or Custodian violating the provisions of this Section shall be guilty of a Class C violation, for which a court appearance shall be required.
3. Upon a first conviction, the court shall assess a fine of \$100.00.
4. Upon a second conviction, the court shall assess a fine of \$200.00.
5. For each subsequent conviction, the assessed fine will increase by \$100.00 increments, not to exceed \$1,000.00.
6. Upon any second or subsequent conviction, the court shall report all convictions (and furnish copies of all supporting documentation) to the Department of Family Services and the Leavenworth County Attorney's Office for consideration as a Child-in-Need-of-Care case.
7. If the Parent/Legal Guardian or Custodian is found guilty of a violation of this section after a trial before the municipal court, the court shall notify the Parent/Legal Guardian or Custodian of his/her right to appeal the conviction to the Leavenworth County District Court. If the Parent/Legal Guardian or Custodian is found not guilty after an appeal, then the municipal court conviction so appealed shall not be considered in determining sentencing for subsequent violations of this ordinance.

F. It shall be a defense to prosecution under this section that the Minor was:

1. Accompanied by the Minor's Parent/Legal Guardian or Custodian;

2. Engaged in an employment activity, or going to or returning home from an employment activity, using the most direct and accessible route without any detour or stop;
3. Involved in an emergency situation;
4. On the sidewalk abutting the Minor's residence or abutting the residence of a next-door neighbor, if the neighbor was not the party who reported the Minor's presence to law enforcement;
5. Going to, attending, or returning home (using the most direct and accessible route without any detour or stop) from an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the Minor; or
6. Married, had been married or had the disabilities of minority removed in accordance with applicable law.

WORKSESSION ITEM

TO: Tim Vandall, City Administrator
FROM: Jason Crum, Parks and Recreation Director *JC*
DATE: October 16, 2019
SUBJECT: Parks Master Plan

Shannon Gordon with Landworks Studio will be attending the October 24 work session in order to brief the City Council and those in attendance on the progress to date concerning the Parks Master Plan.

Action: N/A

WORKSESSION ITEM #

2