

**REGULAR MEETING OF FLORENCE CITY COUNCIL**

**MONDAY, JULY 13, 2009 -1:00 P.M.**

**CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS, ROOM 604**

**FLORENCE, SOUTH CAROLINA**

**ADDENDUM TO THE AGENDA**

**VI. INTRODUCTION OF ORDINANCES**

**d. Bill No. 2009-24 - First Reading**

*An ordinance to establish a daytime curfew for juveniles from the age of six (6) through sixteen (16) between the hours of 8:30 a.m. to 2:30 p.m. on any school day*

**VII. REPORTS TO COUNCIL**

- a. Councilman Brand will provide a report from the City Council Budget Committee**

FLORENCE CITY COUNCIL MEETING

**DATE:** July 13, 2009  
**AGENDA ITEM:** Ordinance No. 2009-\_\_\_\_  
**DEPARTMENT/DIVISION:** City Council - Councilman Robinson

**I. ISSUE UNDER CONSIDERATION**

The ordinance now under consideration is designed to establish a daytime curfew for juveniles age of 6 through 16 addressing there whereabouts during the hours of 8:30 a.m. to 2:30 p.m. on days when school is in session.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

This matter has been discussed on numerous occasions and has been studied in detail by a group of citizens, representatives from schools, representatives from the Police Department, representatives from DSS and Juvenile Justice, and representatives from other agencies involved with youth in Florence. After careful study and the review of data regarding problems occurring during school hours, this group recommended that this issue be presented to Council in the form of an Ordinance to allow Council to study the issues involved and take appropriate action.

**III. POINTS TO CONSIDER**

- (a) The attached ordinance proposes language approved by the above described committee.
- (b) The ordinance requires two readings;
- (c) Council should hold a Public Hearing to receive input and hear evidence regarding the problems that exist and the method to address the problems;
- (d) Council should receive legal advice concerning the proposed ordinance in Executive Session; prior to the election

**IV. STAFF RECOMMENDATION**

Staff stands ready to carry out the wishes of Council.

**V. ATTACHMENTS**

Copy of the proposed Ordinance 2009-\_\_\_\_.

ORDINANCE NO. 2009 - \_\_\_\_\_

An ordinance to establish a daytime curfew for juveniles from the age of six (6) through sixteen (16) between the hours of 8:30 a.m. and 2:30 p.m. on any school day.

**WHEREAS**, §5-7-30 of the South Carolina Code of Laws, as amended, authorizes the City of Florence to enact regulations and ordinances relating to the health, order, and general welfare of the City and its citizens in connection with its services; and

**WHEREAS**, after careful study and discussions of statistics provided by the police department, this council finds that there has been an increase in incidents involving juvenile crime and school age youth loitering in the City limits during school hours on school days, when they are supposed to be in school, at home, under the supervision of an alternative school, in a supervised youth program, or otherwise in the control of their parents, guardians, or responsible adult; and

**WHEREAS**, this council finds, after careful study, that it is in the best interest of the City of Florence and its citizens that a "school age daytime curfew ordinance be established.

**NOW, THEREFORE**, be it ordained, by the Mayor and the members of the City Council of the City of Florence, South Carolina, that Chapter 14 of the Code of Ordinances of the City of Florence entitled "Offenses and Miscellaneous Provisions" be amended to add the following:

**OFFENSES AND MISCELLANEOUS PROVISIONS**

**Daytime Curfew for School Age Juveniles, Compulsory School Attendance - Parental Duty Imposed**

- A. For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.**

**"Public place"** means any street, highway, alley, or right-of-way, to include sidewalks; any park, playground, mall, or building open to the public; any cemetery, school yard, body of water, or watercourse; any privately or publicly owned place of amusement, entertainment, or public accommodation including parking lots and other areas adjacent thereto; and any vacant lot or land.

**B. No Juvenile from the age of six through sixteen years of age shall be in any public place within the city except in attendance at school between 8:30 a.m. and 2:30 p.m. on any school day unless:**

1. The juvenile has written proof from school authorities that he or she is excused from school attendance at that particular time; or
2. The juvenile attends a private school in which the attendance requirements differ from that of public school; or
3. The juvenile has been emancipated pursuant to the Laws of the State of South Carolina; or
4. The juvenile is accompanied by his or her parent or legal guardian or a responsible adult selected by the parent or legal guardian to supervise the child; or
5. The juvenile is employed pursuant to an age or schooling certificate, during actual working hours or traveling directly to or from the job site; or
6. The juvenile is receiving home education pursuant to the Laws of the State of South Carolina

A police officer shall apprehend any juvenile found violating section B of this ordinance. No juvenile will be released except into the custody of his or her parent or legal guardian, a school official, or a School Resource Officer at the offender's school. Any juvenile who violates section B of this ordinance is subject to the jurisdiction of Family Court.

**C. No parent or legal guardian of a juvenile from the age of six through sixteen years of age shall negligently allow a juvenile to violate section B of this ordinance.**

It shall be an affirmative defense to section C that the parent or legal guardian has initiated the jurisdiction of the Family Court against the juvenile prior to the time that the juvenile was found violating section B of this ordinance.

**D. If a juvenile is suspended or expelled from school, that juvenile's parent or legal guardian shall, for the duration of the suspension or expulsion:**

1. Prohibit the juvenile from being in any public place at the times that the juvenile would have been required to be in attendance at school had he or she not been suspended or expelled unless:
  - A. The juvenile is accompanied by his or her parent or legal guardian or a responsible adult selected by the parent or legal guardian to supervise the child.
  - B. The juvenile is employed pursuant to an age or schooling certificate, during actual working hours, or traveling directly to or from the job site.
2. Shall not have as a defense the inability to personally or otherwise supervise the juvenile during the suspension period.

It shall be an affirmative defense to section D that the parent or legal guardian has initiated the jurisdiction of the Juvenile Court against the juvenile prior to the time that he or she violated section D of this ordinance.

**E. Penalty**

**Any parent or legal guardian who violates section C or D of this ordinance is guilty of a misdemeanor and upon the first offense shall be given a written warning. Second and subsequent offenses that occur during the school year shall be punishable by a fine of \$100 dollars per offense.**

- F. Upon notification that a juvenile has been suspended from school, officers of the Florence Police Department shall, as time permits, perform random home visits in order to assure that the juvenile is in compliance with section D of this ordinance. When performing random visits, officers shall not enter any home of any suspended juvenile without the permission of an adult present at the residence. Officers shall investigate the whereabouts of the juvenile from outside of the residence unless invited inside by an adult.**
- G. Parents or legal guardians violating this ordinance shall not be subject to custodial arrest, but shall be issued a summons to appear in Municipal Court.**

That this Ordinance shall become effective on the \_\_\_\_ day of \_\_\_\_\_,  
2009.

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

**Approved as to form:**

\_\_\_\_\_  
**James W. Peterson, Jr., City Attorney**

\_\_\_\_\_  
**Stephen J. Wukela, Mayor**

**Attest:**

\_\_\_\_\_  
**Dianne M. Rowan, Municipal  
Clerk**

VII. a.  
Report to Council

FLORENCE CITY COUNCIL MEETING

DATE: July 13, 2009

AGENDA ITEM: Report to Council

DEPARTMENT/DIVISION: City Council – Councilman Brand

I. ISSUE UNDER CONSIDERATION

*City Council Budget Committee*

II. CURRENT STATUS

Councilman Brand will provide a report from the City Council Budget Committee