

4/28/2008
4/23/2008
4/8/2008
3/21/2008

51-O-08

AN ORDINANCE

**Amending Various Sections of 9-6-1 of the Evanston City Code,
Entitled "CURFEW"**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That the definition of "Curfew" in Section 9-6-1(A) of the Evanston City Code of 1979, as amended, is hereby further amended as follows:

9-6-1: CURFEW:

(A) Definitions: In this section:

CURFEW HOURS:

1. Ten o'clock (10:00) P.M. on any Sunday, Monday, Tuesday, Wednesday, and Thursday until six o'clock (6:00) A.M. of the following day; and
2. Eleven o'clock (11:00) P.M. until six o'clock (6:00) A.M. on any Friday and Saturday.

SECTION 2: That Section 9-6-1(C) of the Evanston City Code of 1979, as amended, is hereby further amended as follows:

(C) DEFENSES:

1. It is a defense to prosecution under subsection (B) of this section that the minor was:

- a. Accompanied by the minor's parent, guardian, or other responsible companion at least twenty-one (21) years of age approved by a parent or guardian; or unless
- b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- c. In a motor vehicle involved in interstate travel;
- d. Engaged in a business or occupation which the laws of this state authorize a person, less than seventeen (17) years of age to perform, or going to or returning home from an employment activity, without any detour or stop;
- e. Involved in an emergency;
- f. On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the Police Department about the minor's presence;
- g. Attending 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 going to or returning home from, without any detour or stop, 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;
- h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- i. Married or had been married or had disabilities of minority removed in accordance with the Illinois Emancipation of Mature Minors Act.

2. It is a defense to prosecution under subsection (B)3 of this Section that the owner, operator, or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That if any provision of this Ordinance 51-O-08 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance 51-O-08 that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 5: That, this Ordinance shall take effect immediately upon its passage, due to the urgent need to prevent an ongoing discrepancy between the curfews of the City of Evanston and the City of Chicago, which amended its curfew ordinance instituting the proposed in this ordinance, and began enforcement thereof on March 22, 2008.

Introduced: _____, 2008

Approved:

Adopted: _____, 2008

_____, 2008

Lorraine H. Morton, Mayor

Attest:

Approved as to form:

Mary P. Morris, City Clerk

Elke Tober-Purze, Interim
First Assistant Corporation Counsel