

## **ORDINANCE NO. 1975**

AN ORDINANCE ESTABLISHING A JUVENILE CURFEW AND PROHIBITING THE ORGANIZATION, PROMOTION, FACILITATION, OR ENCOURAGEMENT OF JUVENILE AFFRAYS; AND PROVIDING PENALTIES FOR VIOLATIONS WITHIN THE CITY OF TALLADEGA, ALABAMA

WHEREAS, the City Council finds that juvenile crime, juvenile victimization, vandalism, disturbances of the public peace, and organized juvenile fighting present a threat to the health, safety, and welfare of the citizens of the City of Talladega; and

WHEREAS, the City Council further finds that the presence of unsupervised minors in public places during late-night hours and the occurrence of organized juvenile fights contribute to such threats; and

WHEREAS, the City Council desires to protect minors and promote the public health, safety, and welfare of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TALLADEGA, ALABAMA, pursuant to Sections 11-45-1 and 11-45-9, Code of Alabama 1975, and other applicable provisions of Alabama law, as follows:

### SECTION 1. DEFINITIONS.

For purposes of this Ordinance, the following terms shall have the meanings assigned herein:

- (a) Minor means any unemancipated person under eighteen (18) years of age.
- (b) Parent means a natural parent, adoptive parent, legal guardian, custodian, or other adult person having legal responsibility for a minor.
- (c) Public Place means any street, sidewalk, alley, highway, park, playground, public building, parking lot, vacant lot, business establishment open to the public, or any other place generally accessible to the public.
- (d) Affray means mutual combat or fighting between two (2) or more persons occurring in a public place and disturbing or tending to disturb the public peace.
- (e) Facilitate means to knowingly organize, arrange, promote, advertise, encourage, transport, assist, supervise, sponsor, or otherwise aid in the occurrence of an affray.
- (f) Curfew Hours means the hours between 10:00 pm and 6:00am each day.
- (g) Establishment means any privately owned place of business operated for a profit to which the public is invited, including but not limited to restaurants, stores, entertainment venues, shopping centers, and similar commercial premises.
- (h) Operator means any individual, firm, corporation, partnership, association, or other entity operating, managing, controlling, or supervising an establishment.

## ARTICLE I. JUVENILE CURFEW

### SECTION 2. CURFEW VIOLATION.

- (a) A minor shall be deemed in violation of this Ordinance when he or she remains in a public place during curfew hours.
- (b) A parent commits a violation when he or she intentionally, knowingly, recklessly, or negligently permits or allows a minor under his or her care or custody to remain in a public place during curfew hours in violation of this Ordinance.

#### SECTION 2.1. Responsibility of Establishments

- (a) It shall be unlawful for an operator of an establishment, or any employee or agent thereof, to knowingly permit a minor to remain upon the premises during curfew hours in violation of this Ordinance.
- (b) It shall be a defense to prosecution under this Section that the operator, employee, or agent promptly notified law enforcement that a minor was present on the premises in violation of this Ordinance and the minor refused to leave.

### SECTION 3. EXCEPTIONS.

This Article shall not apply when the minor:

- (a) Is accompanied by a parent or guardian;

- (b) Is engaged in lawful employment or traveling directly to or from lawful employment;
- (c) Is attending or traveling directly to or from a school, religious, civic, governmental, recreational, athletic, or other organized activity supervised by responsible adults;
- (d) Is involved in an emergency situation;
- (e) Is exercising rights protected by the Constitution of the United States or the Constitution of Alabama, including freedom of speech, freedom of religion, or freedom of assembly;
- (f) Is traveling in interstate commerce;
- (g) Is on an errand at the direction of a parent or guardian;
- (h) Is on property owned, occupied, or controlled by the parent or guardian;
- (i) Is married or otherwise emancipated pursuant to Alabama law.
- (j) Is attending a bona-fide work-study program or traveling directly to or from such program without unnecessary detour or delay.
- (k) The provisions of this Article shall apply to minors who are suspended or expelled from school unless otherwise exempt under this Ordinance or emancipated under Alabama law.

## ARTICLE II. JUVENILE AFFRAY

### SECTION 4. PROHIBITED CONDUCT.

- (a) It shall be unlawful for any person to knowingly organize, arrange, promote, advertise, facilitate, encourage, supervise, transport, sponsor, or otherwise assist in the occurrence of an affray involving one or more minors.
- (b) It shall be unlawful for any parent, guardian, or other adult to knowingly encourage, facilitate, transport, supervise, sponsor, arrange, advertise, or knowingly permit a minor under his or her care to participate in an affray.
- (c) It shall be unlawful for any person to knowingly gather, assemble, or remain at the scene of a juvenile affray for the purpose of encouraging, promoting, or facilitating the affray.
- (d) Nothing contained herein shall prohibit lawful athletic competitions, school-sponsored sporting events, martial arts instruction, boxing, wrestling, or similar activities conducted under lawful supervision.
- (e) It shall be unlawful for any minor to knowingly engage in, participate in, or take part in an affray.

### SECTION 4.1. RESPONSIBILITY OF ESTABLISHMENTS.

- (a) It shall be unlawful for the owner, operator, manager, employee, or other person in control of any business establishment or premises open to the public to knowingly allow, permit, facilitate, sponsor, host, advertise, promote, or tolerate a juvenile affray on the premises.
- (b) It shall be unlawful for the owner, operator, manager, employee, or other person in control of any business establishment or premises open to the public to knowingly permit minors to remain on the premises for the purpose of participating in or observing a juvenile affray.
- (c) It shall be a defense to prosecution under this Section that the owner, operator, manager, employee, or other person in control of the premises promptly notified law enforcement of the affray or potential affray and reasonably cooperated with law enforcement efforts to disperse participants and spectators.

## ARTICLE III. ENFORCEMENT

### SECTION 5. ENFORCEMENT.

- (a) Prior to taking enforcement action under Article I, a law enforcement officer may make reasonable inquiry regarding the age of the individual, the reason for the individual's presence in a public place during curfew hours, and whether any exception under Section 3 applies.
- (b) A law enforcement officer may:
  - (1) Issue a warning;
  - (2) Release the minor to a parent or guardian;
  - (3) Refer the matter to the Juvenile Court of Talladega County; or
  - (4) Take any lawful action authorized by Alabama law.
- (c) Violations of Article I involving minors shall be handled in accordance with applicable Alabama juvenile laws and procedures and may be referred to the Juvenile Court of Talladega County for disposition as provided by law.
- (d) Violations of Section 4(e) involving minors may be referred to the Juvenile Court of Talladega County for disposition as provided by law.
- (e) Adult violations of Article II and Section 4.1 may be prosecuted in the Municipal Court of the City of Talladega.

(f) This Ordinance shall be enforced in a uniform and nondiscriminatory manner without regard to race, color, ethnicity, national origin, religion, or sex.

#### ARTICLE IV. PENALTIES

##### SECTION 6. PENALTIES.

(a) Violations of Article I and Article II involving minors may be referred to the Juvenile Court of Talladega County for disposition in accordance with Alabama law.

(b) In determining an appropriate disposition for a minor, the Juvenile Court may consider prior violations of this Ordinance.

(c) Any parent, guardian, or other adult person, owner, operator, manager, employee, or person in control of a premises convicted of violating Article I, Article II of this Ordinance shall upon conviction, be punished by a fine not exceeding Five Hundred Dollars (\$500.00), imprisonment or hard labor for a period not exceeding six (6) months, or by both such fine and imprisonment or hard labor, as authorized by Section 11-45-9, Code of Alabama 1975.

(d) Each occurrence constituting a violation shall constitute a separate offense.

(e) Nothing contained herein shall be construed to limit the authority of the Juvenile Court of Talladega County to impose any disposition authorized by Alabama law.

#### ARTICLE V. SEVERABILITY

##### SECTION 7. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

#### ARTICLE VI. REVIEW

##### SECTION 8. REVIEW.

The City Council shall review the effectiveness of this Ordinance within twelve (12) months following its effective date and may amend, continue, or repeal the Ordinance as deemed appropriate.

##### SECTION 9. EFFECTIVE DATE.

This Ordinance shall become effective upon adoption and publication as required by law.

ADOPTED AND APPROVED this 22<sup>nd</sup> day of June, 2026.

Council President Steve Dickerson

Council Member Vickey R. Hall

Councilman Hugh Sims

Council Member Betty C. Spratlin

Councilman Charles Keith

City Manager Danny Warwick

Attest: Joanna Medlen, City Clerk