



George G. Kehl, Chief of Police

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NEIGHBORHOOD WATCH INFORMATION

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Greetings everyone,

Yes, it is finally that day...Every kid in the school district is screaming "Yes!" and many a parent is screaming "Oh no!-The last day of school!" Regardless of your position, the officers of the Fishers Police Department certainly share in your excitement and concern. We wish every one of you and your children a very happy and **safe** summer.

We will do our part to watch out for your children's safety and well being but we would also like to take a moment to share with you some tips on how you as parents can do the same. Please see the attached [Crime Watcher](#) newsletter for various summer safety tips pertaining to children but also take note of the following laws relating to Curfew and Motorized Scooter operation:

Curfew

Children 15 through 17 years of age; requirements for detention or custody (IC 31-37-3-2)

Sec. 2. (a) It is a curfew violation for a child fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place:

- (1) between 1 a.m. and 5 a.m. on Saturday or Sunday;
- (2) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday;
- (3) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(b) A law enforcement officer may not detain a child or take a child into custody based on a violation of this section unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:

- (1) the child has violated this section; and
- (2) there is no legal defense to the violation.

Children less than 15 years of age; requirements for detention or custody

Sec. 3. (a) It is a curfew violation for a child less than fifteen (15) years of age to be in a public place after 11 p.m. or before 5 a.m. on any day.

(b) A law enforcement officer may not detain a child or take a child into custody based on a violation of this section unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:

- (1) the child has violated this section; and
- (2) there is no legal defense to the violation.

Defenses

- (1) accompanied by the child's parent, guardian, or custodian;
- (2) accompanied by an adult specified by the child's parent, guardian, or custodian;
- (3) participating in, going to, or returning from:
 - (A) lawful employment;
 - (B) a school sanctioned activity;
 - (C) a religious event;
 - (D) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - (E) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or
 - (F) an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults;
- (4) participating in an activity undertaken at the prior written direction of the child's parent, guardian, or custodian; or
- (5) engaged in interstate or international travel from a location outside Indiana to another location outside Indiana.

Motorized Bicycle vs. Scooters

The Fishers Police Department is reminding **motorized bicycle** owners and prospective motorized bicycle owners that there are laws that apply both to parents and to the rider. According to Indiana Code 9-13-2-109, a Motorized Bicycle is defined as the following:

- 2 or 3-wheeled vehicle
- Propelled by an internal combustion engine or battery (electric) powered motor;
- If powered by an internal combustion engine, to qualify as a motorized bicycle there must be:
 - (1) An engine rating of not more than 2 horsepower and a cylinder capacity not exceeding 50 cubic centimeters;
 - (2) An automatic transmission; and
 - (3) A maximum design speed of not more than 25 m.p.h. on a flat surface.



Indiana Codes 9-21-11-1 through 9-21-11-14 are the laws that specifically apply to bicycles and motorized bicycles. The first law that parents should be aware of is *Parents or guardians may not authorize or knowingly permit children or protected persons to violate the chapter*. This law means that parents could be charged for allowing their children to violate any of the above Indiana Codes.

Motorized bicycle riders need to be aware that they are not permitted to ride on any sidewalk. They must also meet the following requirements:

According to Indiana Code the following restrictions apply to a motorized bicycle:

1. It may not be operated by a person less than fifteen (15) years of age.
2. By a person who has not obtained an Indiana Identification Card or Driver's License
3. On an interstate highway or a **sidewalk**
4. At a speed greater than twenty-five (25) miles per hour.

Also according to Indiana Code:

1. A person less than eighteen (18) years of age who operates or rides a motorized bicycle on a street shall do the following: **(1) Wear a protective helmet meeting the standards established by the United States Department of Transportation and: (2) Wear protective glasses, goggles, or a transparent face shield.**

Motor Scooters are also becoming a traffic hazard as well as nuisance. Motor scooters fall into a different definition under Indiana law. Indiana Code 9-13-2-104 defines a Motor Scooter as:

- Motive Power;
- A seat, but not a saddle for the driver;
- 2-wheeled; and



- A floor pad for the driver's feet.

A motor scooter rider is also required to have a valid state operator's license and the scooter is required to be properly registered, meaning a license plate and registration. The state laws governing the operation of such conveyances are not new, however; today's technology has produced a type of conveyance that clearly is a hazard to the young and inexperienced rider. The motor scooters of today are not the same as the mopeds of the past. The motor scooters are much faster than the old mopeds, and roadways are much more congested now which have added to the hazard.

"I want to be sure that parents are aware of the laws relating to motorized bicycles and motor scooters and make sure that the riders operate in a responsible manner for their own safety and for the safety of others on the roadway" said Chief of Police George Kehl. "Motorized bicycles are recreational and should be closely supervised by a responsible parent."

Summary



- If the motorized bicycle has an engine smaller than 50 cc and is designed to travel less than 25 miles per hour – you must be 15 years old and meet all the other requirements.
- If the motorized bicycle is designed to travel more than 25 miles per hour – you must be 16 years old and have a valid driver's license.



- If the device meets the definition of a motor scooter and appears similar to the picture above – you must be 16 years old and have a valid driver's license and meet all the other requirements. The motor scooter must also have a valid license plate.

* **Note:** For safety reasons, regarding the 2009 Fishers Summer Concert Series, we are asking all attendees not to bring scooters, Razors®, skateboards, rollerblades, skates, or bicycles. Lawn chairs, blankets and picnics however are still welcome!

In closing, we again wish everyone a very fun yet safe summer. We understand fully the unique challenges that come with raising children and guiding them toward right choices particularly in this day and age. Please know that all laws and ordinances, including the ones mentioned regarding curfew and scooter operation, are the minimum standards enacted by a particular governing body. As parents, we are responsible for ensuring that our children are meeting these requirements. Please know, however, that these rules are indeed the minimum standard applied by law and you as a parent have the final say and reserve the right to impose more strict standards if you wish.

We also encourage every parent to know precisely where their children are, what they are doing, and who they are with at any given point in time.

Please do not hesitate to give us a call at any time if you need assistance or have questions concerning the safety of your children.

Emergencies	911
Dispatch	317-773-1282
FPD Tip Line	317-595-3305

* If you have not done so already, please consider signing up for the Town of Fishers free online notification system **Fishers Alert** by visiting www.fishers.in.us/police