

AN ORDINANCE ADOPTING A NEW CHAPTER 510 OF THE GENERAL OFFENSES CODE ENTITLED "MINORS' CURFEW" AND DECLARING AN EMERGENCY

WHEREAS, this Council believes that it is necessary for the protection of the health, safety and welfare of the residents of Richfield that a minor curfew law be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That a new Chapter 510 of the General Offenses Code, being sections 510.01 through 510.04, entitled "Minors' Curfew," be adopted to read as follows:

"CHAPTER 510
MINORS' CURFEW

510.01 DEFINITIONS.

For the purposes of this chapter only, the following terms, phrases, words and their derivations have the meaning given herein.

- (a) 'Minor' means any person under the age of eighteen years or any person seventeen or less years of age.
- (b) 'Parent' means any person having legal custody of a minor:
 - (1) As a natural or adoptive parent,
 - (2) As a legal guardian,
 - (3) As a person who stands in loco parentis, or
 - (4) As a person to whom legal custody has been given by order of court.
- (c) 'Public place' means any street, highway, alley or right of way, to include sidewalks, any park, playground, ground, place or building open to the public; and privately or publicly owned place of amusement, entertainment or public accommodation, to include parking lots and any other areas adjacent thereto; and any vacant lot or land or, without the consent of the owner, any private property.
- (d) 'Time of night,' is based upon the prevailing standard of time, generally observed at that hour by the public in the Village, prima facie the time then observed in the Village Administrative Offices and Police Station.
- (e) 'Year of age' continues from one birthday, such as the seventeenth, to but not including the day of the next, such as the eighteenth birthday.

510.02 CURFEW HOURS.

(a) No person under eighteen years of age shall be in or upon any public place during the period ending at 5:00 a.m. and beginning at 11:00 p.m. daily except Friday and Saturday when such curfew hour shall begin at 12:00 midnight.

(b) Any minor violating the provisions of this chapter shall be guilty of an act of unruliness.

510.03 EXCEPTIONS.

In the following exceptional cases, proof of which shall be an affirmative defense, a minor in or upon a public place during the nocturnal hours for which Section 510.02 is intended to provide the maximum limits of regulation shall not be considered in violation of this chapter:

- (a) When accompanied by a parent of such minor.
- (b) When accompanied by an adult authorized by a parent of such minor to take the parent's place in accompanying the minor for a designated period of time and purpose within a specified area.
- (c) When 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.
- (d) In case of reasonable necessity.
- (e) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor not communicating an objection to the police officer.
- (f) When returning home by a direct route from and within thirty minutes of, the termination of a school activity, or an activity of religious, or other voluntary association.
- (g) When returning home by a direct route from, and within thirty minutes of, the termination of a period of employment and the minor carries a certified card of employment, briefly identifying the minor, the address of his home and the place of employment and his hours of employment.
- (h) When going directly to or from any lawful entertainment with the knowledge and consent of the parent.

510.04 PARENTAL RESPONSIBILITY.

(a) No parent having legal custody of a minor shall knowingly permit or by insufficient control allow such minor to be in or upon any public place under circumstances not constituting an exception to, or otherwise beyond the scope of this chapter. 'Knowingly' includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

(b) It shall be an affirmative defense to this section that such parent has within thirty days preceding the alleged violation filed or cause to be filed a complaint against such minor under Ohio R.C. 2151.27.

(c) A parent who violates this section is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for each subsequent offense.”

SECTION 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it make take effect as soon as practicable; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect and be in force immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: August 4, 1998

Michael Lyons
President of Council

Ronald W. Larsen
Mayor

Dated: 8/10/98

ATTEST:

Carol Gibson
Clerk of Council