

ORDINANCE 09-17

AN ORDINANCE ESTABLISHING CURFEW HOURS FOR MINORS AND REPEALING PRIOR ORDINANCES.

WHEREAS, The Village of Jackson Center has an obligation to provide for the protection of minors from each other and other persons, for the enforcement of parental control over their children, for the protection of the general public; and for the reduction of incidents of juvenile criminal activity within the Village of Jackson Center; and

WHEREAS, a curfew for those under the age of 18 will be in the interest of the public health, safety, and general welfare and will help to obtain the foregoing objectives and to diminish the undesirable impact of such conduct upon the citizens of the village; and

WHEREAS, the existing curfew ordinance of the Village of Jackson Center is deemed outdated and insufficient to attain the foregoing objectives;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF JACKSON CENTER, STATE OF OHIO

SECTION 1:

All prior ordinances concerning curfew hours for minors are hereby repealed. In the event of a conflict between this ordinance and another, this ordinance shall control.

SECTION 2:

That the following hours of curfew are hereby established in the Village of Jackson Center:

- A. Monday thru Sunday, no minors under the age of 18 shall be beyond the property line of his or her residential property between the hours of midnight and 6:00 am the following day unless accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, or when the minor is on an emergency errand or legitimate business directed by a parent of the minor, guardian of the minor, or other adult having the care of the custody of the minor.

SECTION 3:

- A. A minor commits an offense if he or she is found or remains in a public place or on the premises of any establishment within the municipality during curfew hours.
- B. A parent of a minor, or other adult person having the care and custody of the minor, commits an offense if he or she knowingly permits, or by insufficient control allows, the minor to be or remains in any public place or on the premises of any establishment within the municipality during curfew hours.
- C. The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to be upon the premises of the establishment during curfew hours.

SECTION 4:

The following defenses for a violation of this ordinance are hereby established:

- A. It is a defense to prosecution under Section Three hereof that the minor was:
 - a. Accompanied by the minor's parent, guardian, or other adult person having the care and custody of the minor;
 - b. On an errand on the direction of the minor's parent, guardian, or other person having the care and custody of the minor without any detour or stops;
 - c. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stops;
 - d. Involved in an emergency;
 - e. On the sidewalk abutting the minor's residence; or

- f. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the municipality, a civil organization, or other similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stops, an official school, religious, or other recreational activity supervised by adults and sponsored by the municipality, a civic organization, or another similar entity that takes responsibility for the minor; or
 - g. Exercising First Amendment Right protected by the United States Constitution, such as the free exercise of religion, speech, and the right of assembly.
- B. It is a defense to prosecution under Section Three (C) hereof 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 5: PENALTIES

- A. Any minor who is alleged to be in violation of this ordinance for the first time shall be brought to the Police Department, and the parent, guardian, or other adult person having the care and custody of the minor, shall be notified to come to the Department and take personal charge of the minor. The minor shall only be released to the parent, guardian, or other adult person having the care and custody of the minor.
- B. Any minor found to be in violation of this ordinance the second or subsequent time, shall be apprehended and charged as an unruly child and be cited before the Juvenile Court in the county.
- C. Whoever violates Section Three (B) or (C) shall be guilty of contributing to the unruliness of a minor within the meaning of Section 2919.24 of the Ohio Revised Code, a misdemeanor of the first degree; provided, however, that unless the complaint upon which the prosecution contains the allegation that the offender has previously been convicted of this offense within six (6) months of the violation, said violation shall be a minor misdemeanor.

SECTION 6:

This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

Adopted this _____ day of _____, 2009.

 Scott Klopfenstein, Mayor

Attest:

 Beverly A. Wren, Fiscal Officer

Certificate of Fiscal Officer As To Posting

I certify the above Ordinance 09-17 has been posted as required by law. Posted in the Village Office, US Bank NA, Allenbaugh Insurance, Phil's Cardinal, and the Jackson Center Library.

Date of Posting: _____, 2009

Signed: _____
 Beverly A. Wren, Fiscal Officer