

CHAPTER 531: MINORS **CURFEW**

Section

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§ 531.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRIVE OR RIDE AIMLESSLY. To drive or to ride as a passenger in or upon any public place by an unnecessarily circuitous route or to retrace the same route.

ESTABLISHMENT. Any privately owned place of business carried on for a profit, or any place of amusement or entertainment to which the public is invited.

MINOR. Any person under the age of 18 years.

OFFICIAL CITY TIME. Eastern Standard Time.

OPERATOR. Any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment; whenever used on any clause prescribing a penalty, the term **OPERATOR**, as applied to associations or partnerships, includes the members or partners thereof, and as applied to a corporation, includes the officers thereof.

PARENT. Any natural parent of a minor, a guardian or any adult person 21 years of age or over, responsible for the care and custody of a minor.

PUBLIC PLACE. Any public street, highway, road, alley, park, playground, public building or vacant lot.

REMAIN. To loiter, idle, wander, stroll or play in or upon.

(Am. Ord. 3043, passed 9-28-76; Am. Ord. 7356, passed 4-22-97)

§ 531.02 **CURFEW HOURS**; PROHIBITED CONDUCT; EXCEPTIONS.

(A) No minor shall remain in or upon any public place or any establishment between the **hours** of 10:30 p.m. and 6:00 a.m. of the following day, official city time, except that on Fridays and Saturdays the **hours** shall be from 12:00 midnight to 6:00 a.m.

(B) No minor enrolled in a public school shall remain in or upon any public place or establishment during the school **hours** of the minor's school.

(C) No minor shall drive or ride aimlessly in an automobile, a truck or a motorcycle between the **hours** of 10:30 p.m. and 6:00 a.m. of the following day, official city time, except that on Fridays and Saturdays the **hours** shall be from 12:00 midnight to 6:00 a.m.

(D) The provisions of this section shall not apply to any minor accompanied by a parent, or to a minor upon an errand or other legitimate business directed by such minor's parent, or to any minor who is engaged in gainful lawful employment during the school [curfew hours](#) or to a minor traveling from a scheduled school activity or event during the [curfew hours](#).

(E) Any school, church, lodge or other organization that desires to hold any activity for minors under 18 years of age, and which activity shall require such minors to be out at a later hour than provided in this section, shall make application to the City Manager for permission to have the minors stay out to a later hour. The application shall state the time the activity will end, and the minors who attend such activity shall be required to be off the streets and public places one hour after the activity is ended.

(Am. Ord. 3043, passed 9-28-76; Am. Ord. 7356, passed 4-22-97) [Penalty, see § 531.99](#)

§ 531.03 PARENTS RESPONSIBILITIES.

(A) No parent shall knowingly permit any minor to remain in or upon any public place or any establishment between the [hours](#) of 10:30 p.m. and 6:00 a.m. of the following day, official city time, except that on Fridays and Saturdays the [hours](#) shall be from 12:00 midnight to 6:00 a.m.

(B) The provisions of this section shall not apply to any parent who accompanies a minor, or to a parent who directs a minor upon an errand or other legitimate business, or to any parent of a minor engaged in gainful lawful employment during the [curfew hours](#), or to any parent of a minor who shall attend any activity in accordance with the provisions of § [531.02](#)(E).

(Am. Ord. 3043, passed 9-28-76; Am. Ord. 7356, passed 4-22-97) [Penalty, see § 531.99](#)

§ 531.04 OWNERS AND OPERATORS RESPONSIBILITIES.

(A) No operator of an establishment or their agents or employees shall knowingly permit any minor to remain upon the premises of such establishment between the [hours](#) of 10:30 p.m. and 6:00 a.m. of the following day, official city time, except that on Fridays and Saturdays the [hours](#) shall be from 12:00 midnight to 6:00 a.m.

(Am. Ord. 3043, passed 9-28-76; Am. Ord. 7356, passed 4-22-97) [Penalty, see § 531.99](#)

(B) The provisions of this section shall not apply to any minor accompanied by a parent or to a minor upon an errand or other legitimate business directed by such minor's parent.

(Ord. 7356, passed 4-22-97)

§ 531.05 PARENTAL RESPONSIBILITIES.

(A) A parent who has parental rights and responsibilities for the care of a minor and is the residential parent and legal custodian of such minor, a guardian who has custody of such minor, or other custodian of such minor, is charged with the control of the minor and shall have the power to exercise parental control and authority over the minor.

(1) It shall be unlawful for a parent, legal custodian, legal guardian, or other person lawfully charged with the care of a minor, to fail to supervise such minor.

(2) Parental responsibility to supervise such minor and exercise parental control with regard to such minor includes, but is not limited to, the following duties:

(a) To keep illegal drugs out of the home and out of possession of such minor, except those drugs duly prescribed by a licensed physician or other authorized medical professional;

(b) To keep firearms out of the possession of such minor except those used for hunting in accordance with state law and with knowledge and supervision of a parent;

(c) To exercise and have in place reasonable controls so as to prevent such minor from maliciously or willfully damaging, defacing or destroying real or personal property belonging to others, including real or personal property of the city;

(d) To exercise and have in place reasonable controls so as to prevent such minor from engaging in theft of property or keeping in his or her possession property known to be stolen;

(e) To exercise and have in place reasonable controls so as to prevent such minor from engaging in violent or assaultive behavior directed at persons.

(3) An adjudication that a minor has been found a "delinquent child," as defined in R.C. § 2151.02 for criminal conduct other than that which would lead to a "status" crime violation, such as a **curfew** or truancy violation, or has been found guilty of a criminal conviction when said minor has been tried as an adult, shall be prima facie evidence that said parent or guardian failed to supervise the minor.

(B) This section shall not apply to public children's services agencies as defined in R.C. § 2151.011, or to foster parents.

(C) In a prosecution of a person for failing to supervise a minor under division (A) of this section, it is an affirmative defense that the person:

(1) Is the victim of the act that brings the minor within the jurisdiction of the juvenile court, or

(2) reported the act to the appropriate authorities, or

(3) is charged with the parental control and authority over a minor who is a "mentally retarded person" or a "developmentally disabled person" as these terms are defined in R.C. § 5321.01.

(Ord. 7356, passed 4-22-97)

§ 531.99 ENFORCEMENT AND PENALTIES.

(A) Any police officer who finds a minor violating any provisions of § [531.02](#) shall obtain information from such minor as to his or her name and address, age, and the name of his or her parent or parents. The minor shall thereupon be instructed to proceed to his or her home forthwith. A written notice shall then be mailed by the Chief of Police to the parent or parents of the minor, advising of the violation of § [531.02](#).

(B) Any parent who shall violate any provision of § [531.03](#), after having received notice of a prior violation as provided in division (A) hereof, shall be fined not more than \$100, together with costs.

(C) Any operator of an establishment and any agents or employees of any operator who shall violate the provisions of § [531.04](#) shall be fined not more than \$100, together with costs.

(D) Whoever violates § [531.05](#) is guilty of failing to supervise a minor. Upon first conviction, the offender shall be subject to a fine of up to \$250 and/or ordered to perform community service. The fine and/or community service will be suspended if the offender completes a parenting training class designated by the city. In addition to any fine or order imposed pursuant to this section the Court may order the offender to make restitution to any victim of the minor's conduct. The amount of restitution shall not exceed the statutory liability for parents established in R.C. § 3109.09 and R.C. § 3109.10.

(E) Each violation of any provision of this chapter shall constitute a separate offense.

(Am. Ord. 3043, passed 9-28-76)

(F) For a conviction of a second offense and/or additional offenses, the offender shall be subject to a fine of up to \$500 and/or ordered to perform community service for each offense.

(Ord. 7356, passed 4-22-97)