

**AN ORDINANCE ESTABLISHING A CURFEW PROGRAM
FOR JUVENILES AGES 17 AND UNDER, AND PROVIDING A
PENALTY FOR VIOLATION THEREOF**

WHEREAS, the City Council has determined that there has been an increase in juvenile violence, juvenile gang activity, and crime by persons of the age of 17 years or under resulting in juveniles being involved in a wide range of unacceptable behavior including vandalism, public drinking and littering, drug use, breaking and entering, and harassment of citizens; and

WHEREAS, the City Council has reviewed statistical evidence indicating an alarming increase in the numbers of juveniles charged with crimes over the last four years.

WHEREAS, persons under the age of 18 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

WHEREAS, the City Council has found that parental responsibility for the whereabouts of children in the accepted norm and that parents need assistance in the guidance and supervision of juveniles; and

WHEREAS, a curfew for juveniles will be in the interest of public health, safety, and general welfare and will help to attain the foregoing objectives and will help to diminish the undesirable impact of such conduct on the citizens of the City of Pioneer Village and will promote the public good, safety, and welfare; and

WHEREAS, the City Council has determined that a curfew ordinance will increase parental responsibility for juveniles within their control and decrease juvenile delinquency; and

WHEREAS, curfews seek to limit public juvenile activity during the late night and early morning hours; and

WHEREAS, the passage of this ordinance is pursuant to the City of Pioneer Village general police power as stated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PIONEER VILLAGE

Section 1. Definitions,

The following words, terms and phrases when used in this Ordinance shall have the meanings ascribed to them in this Ordinance, unless the context of their usage clearly indicated another meaning:

(a) **Minor.** Any person under the age of eighteen (18), or, as may be otherwise phrased, any person of the age of seventeen (17) or under.

(b) **Parent.** 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 whom legal custody has been given by order of court.

(c) **Remain.** To stay behind, tarry, linger, congregate, move about, wander, stroll, or stay unnecessarily upon or in any public assembly, building, place, street, or highway.

(d) **Allow.** Either permit or neglect to prevent. It requires actual or constructive knowledge on the part of the parent or guardian, that is the parent or guardian must actually know about the minor violating this section, or the circumstances must be such that a reasonably prudent parent or guardian should have known the minor was violating this section.

Section 2. Hours of Curfew.

(a) It shall be unlawful for any person under the age of eighteen (18) to be or remain in or upon any public assembly, building, place, street, or highway with the City of Pioneer Village at night during the following periods:

- 1:00 a.m. to 6:00 a.m. Saturday
- 1:00 a.m. to 6:00 a.m. Sunday
- 11:00 p.m. Sunday to 6:00 a.m. Monday
- 11:00 p.m. Monday to 6:00 a.m. Tuesday
- 11:00 p.m. Tuesday to 6:00 a.m. Wednesday
- 11:00 p.m. Wednesday to 6:00 a.m. Thursday
- 11:00 p.m. Thursday to 6:00 a.m. Friday

(b) It shall be unlawful for any parent or guardian having legal custody of a minor to allow such minor to be or remain in or upon a public assembly, building, place, street, or highway in the City of Pioneer Village under circumstances not constituting an exception as enumerated in subsection (3) during the time periods contained in Section 2 (a).

Section 3. Exceptions

In the following exceptional cases a minor in or upon any public assembly, building, place, street, or highway in the City of Pioneer Village during the nocturnal hours provided for in Section 2 shall not be considered in violation of this Ordinance:

- (a) When the minor accompanied by a parent or guardian;
- (b) When accompanied by an adult authorized by a parent or guardian of such minor;
- (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, provided that written notice signed by the minor and countersigned by a parent is in the possession of such minor specifying when, where, and in what manner said minor will be exercising such First Amendment rights;

(d) In case of reasonable necessity but only after such minor's parent has communicated to the police department the facts establishing such reasonable necessity;

(e) When the minor is on the sidewalk contiguous to the place where such minor resides, or on the sidewalk contiguous to a next-door neighbor who has not communicated an objection to a police officer or the police department;

(f) When returning home, by a direct route from, and within one (1) hour of the termination of, a school activity, or any activity of a religious or other voluntary association, provided that justification indicating the place and time of termination of said event can be given to any investigating officer of the police department.

(g) When authorized by regulation issued by the mayor in cases of reasonable necessity involving more minors than may reasonably be dealt with on an individual basis. Such regulation should be issued sufficiently in advance to permit publicity through news media and through other agencies such as the schools. The regulation shall define the activity, the scope of the use of the public assembly, building, place, street, or highway permitted, and the period of time involved not to extend more than one (1) hour beyond the time for termination of the activity, and the reason for finding that such regulation is reasonably necessary. The mayor shall notify the police department of said information;

(h) When engaged in a business or occupation which the laws of Kentucky authorize a person under eighteen (18) years of age to perform;

(i) When the minor is, with parental consent, in a motor vehicle with a lawfully authorized driver;

(j) When the minor, who is a duly authorized and licensed driver, is operating a motor vehicle with the City of Pioneer Village for the purpose of passing through, by direct route, from one location to another either within or out of the county, including all minors that may also be within the vehicle;

(k) When the minor is married in accordance with the law or had disability of non-age removed by a court of competent jurisdiction.

Section 4. Enforcement.

(a) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, street, or highway whose parent is believed to be in violation of this Ordinance may stop and question such minor and request such information as his or her name and age and the name and address of his or her parent, guardian, or person having legal custody.

(b) If the police officer determines or has reasonable cause to believe that a curfew violation has occurred, the police officer may obtain from the minor the information necessary to issue a citation to the minor's parent, guardian, or person having legal custody.

(c) Any minor found in violation of any section of **Section 2** of this Ordinance shall be:

(1) Directed to proceed immediately to his or her home; or

(2) Under the authority of chapter 600, may be taken into custody by any peace officer:

a. Pursuant to an order of the Court for failure to appear before the Court for a previous status offense; or

b. If there are reasonable grounds to believe that the child has been an habitual

runaway from his parent or person exercising custodial control or supervision of the child.

(d) Any parent, guardian, or person having legal custody of a minor allowing a minor to violate Section 2 of this Ordinance shall be subject to a fine of no more than five hundred dollars (\$500.00).

(e) Any minor who is found to have violated Section 2 of the Ordinance shall be subject to a fine of no more than \$100.00, community service, or fine and community service.

Section 5. Construction and Severability.

Severability is intended throughout and within the provisions of this Ordinance. If any provision, including any exception, part, phrase, or term, or the application thereof to any person or circumstances is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of the ordinance in any and all other respects shall not be affected thereby.

Section 6. Effective Date

The provisions of this Ordinance shall be in force and effect upon passage, approval, and Publication.

Passed at Regular meeting of the City Council of the City of Pioneer Village, Kentucky, on the 19 day of January 98.

Votes for 5 Votes Against _____ Abstentions _____

Aye
Peggy Druin

Aye
Larry Taylor

Aye
Pam Watson

Aye
Lisa Overstreet

Aye
Robert Hester

Aye
Dalen Thurow

First Reading December 15, 1997

Second Reading January 19, 1998

Gary W. Hatch
MAYOR

ATTEST Tracy S. Hall
CITY CLERK City Clerk