

ORDINANCE NO. 97-53

**AN ORDINANCE ESTABLISHING CURFEW HOURS FOR MINORS AND
REPEALING PRIOR ORDINANCES IN CONFLICT THEREWITH;
AND DECLARING AN EMERGENCY**

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

WHEREAS, the existing curfew ordinances of the Village of Versailles are deemed insufficient to attain the foregoing objectives;

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

SECTION ONE: That Ordinances No. 377 and 61-14 are hereby repealed.

SECTION TWO: That the following hours of curfew are hereby established in the Village of Versailles:

A. Sunday through Thursday, no minor under the age of 15 years shall be beyond the property line of his or her residential property between the hours of 10:00 p.m. and 6:00 a.m. 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 person having the care and custody of the minor.

B. Friday and Saturday, no minor under the age of 15 years shall be beyond the property line of his or her residential property between the hours of 11:00 p.m. and 6:00 a.m. 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, or other adult person having the care and custody of the minor.

C. Sunday through Thursday, no minor between the ages of 15 through 17 shall be beyond the property line of his or her residential property between the hours of 11:00 p.m. and 6:00 a.m. 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 person having the care and custody of the minor.

D. From 12:00 midnight on any Friday or Saturday until 6:00 a.m. the following day, no minor between the ages of 15 through 17 shall be beyond the property line of his or her residential property 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 and custody of the minor.

SECTION THREE: The following offenses are established hereunder:

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 remain in any public place or on the premises of any establishment within the municipality during curfew hours. An adjudication of the minor under Section 1 hereof shall not be necessary for a violation of this subsection.

C. The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to be or remain upon the premises of the establishment during curfew hours.

SECTION FOUR: 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.** In a motor vehicle involved in interstate travel;
- d.** Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stops;
- e.** Involved in an emergency;
- f.** On the sidewalk abutting the minor's residence; or
- g.** 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;
- h.** Exercising First Amendment Right protected by the United States Constitution, such as the free exercise of religion, speech, and the right of assembly; or

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 FIVE: 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. 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.

B. Whoever violates Section Three (2) or (3) 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 SIX: This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED this 10th day of November, 1997.

Richard C. Christian
Mayor

ATTEST:

Mary Ann Gump
Clerk

APPROVED AS TO FORM:

Michael D. McClurg
Law Director