

ORDINANCE No. 0-8-2018

Dayton Legal Blank, Inc.

AN ORDINANCE REPEALING EXISTING SECTION 509.08 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO, AND ESTABLISHING NEW SECTION 509.08 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO, REGARDING CURFEW OF MINORS

WHEREAS, the City staff has recommended that Ordinance provisions related to curfew of minors be reviewed and updated to be more reflective of current practices and activities in which minors may routinely be involved and to reflect the current Ohio motor vehicle laws; and

WHEREAS, the Council of the City of Troy, Ohio, concurs with the recommendation of City staff;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio as follows:

SECTION I: That current Section 509.08 of the Codified Ordinances of the City of Troy, Ohio, attached hereto as Exhibit "A", is hereby repealed as of the effective date of this Ordinance.

SECTION II: That Section 509.08 of the Codified Ordinances of the City of Troy, Ohio, shall read as follows as of the effective date of this Ordinance:

"509.08 CURFEW.

(a) Curfew for Minors.

- (1) No minor under the age of eighteen years shall be upon the public streets, highways, roads, alleys, parks, playgrounds or other public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places within the City, between the hours of 11:00 p.m. and 6:00 a.m. of the following day on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays.
- (2) No minor under the age of eighteen years shall be upon the public streets, highways, roads, alleys, parks, playgrounds or other public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places within the City between the hours of 12:00 a.m. and 6:00 a.m. on Saturdays and Sundays.

(b) Curfew Exceptions.

- (1) The provisions of subsection (a) hereof shall not apply to a minor engaged in the prohibited conduct while participating in an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or to a similar provision in the Ohio Constitution, or both, such as the freedom of speech or the freedom of assembly.
- (2) The provisions of subsection (a) hereof shall not apply to a minor engaged in the prohibited conduct while participating in an activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults.
- (3) The provisions of subsection (a) hereof shall not apply to any minor accompanied by his parent, guardian or other adult person having the care and custody of the minor, or where the minor is on an emergency errand, or upon a business trip directed or ordered by his parent, guardian or other adult person having the care and custody of the minor.
- (4) The provisions of this section shall not apply to any minor under the age of eighteen years where the minor is gainfully employed and the employment requires the minor to be in violation of subsection (a) hereof, and the employment is with the consent and permission of the parents, guardians or other persons having the care and custody of the minor.

- (c) Any child found in violation of this section shall be detained and the parent, guardian or person in loco parentis shall be notified to take personal charge of the child. The child shall be released only to the parent, guardian, and person in loco parentis or juvenile authorities.
- (d) Responsibility of Parent.
 - (1) No parent, guardian or other person having the lawful care, custody or control of any minor under the age of eighteen years shall knowingly allow or permit such person to violate the provisions of subsection (a) hereof.
 - (2) It shall be prima-facie evidence of violation of this section that the child of a parent, guardian or person having lawful custody was found in violation of subsection (a) hereof.
- (e) Whoever violates this section is guilty of a minor misdemeanor."

SECTION III: That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: February 5, 2018

Martha A. Baker
President of Council

Approved: February 5, 2018

Attest: Sue G. Knight
Clerk of Council

Michael L. Beamish
Mayor

EXHIBIT "A"

509.08 CURFEW.

(a) Declaration of a Curfew. At such times as minors under the age of eighteen years are loitering, idling, wandering, strolling or playing in or upon public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, within the City, and such conduct in the opinion of the Mayor is adversely affecting the health, safety or welfare of the residents of the City, the Mayor may declare a curfew in effect against such conduct for the hours prescribed by subsection (b) hereof by advertising such curfew in a newspaper of general circulation in the City; and such curfew shall be effective immediately upon one such advertisement of the same. Such curfew shall continue until terminated by the Mayor by the advertising of such termination in a newspaper of general circulation in the City. The Mayor may continue such curfew for such period of time as he determines the same to be necessary for the protection of the health, safety or welfare of the residents of the City.

(b) Curfew for Minors.

(1) During the period of curfew, declared by the Mayor under subsection (a) hereof, no minor under the age of fourteen years shall be upon the public streets, highways, roads, alleys, parks, playgrounds or other public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places within the City, between the hours of 10:00 p.m. and 6:00 a.m. of the following day.

(2) During the period of the curfew declared by the Mayor under subsection (a) hereof, no minor of the ages of fourteen through seventeen years shall be upon the public streets, highways, roads, alleys, parks, playgrounds or other public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places within the City between the hours of 11:00 p.m. and 6:00 a.m. of the following day.

(c) Curfew Exceptions.

(1) In the event that any school, church, civic organization, City organization, parent or guardian desires to sponsor entertainment for minors under the age of eighteen years, and which entertainment shall require such minors to be out at a later hour than that called for in subsection (b) hereof, then the person or persons sponsoring the event or entertainment shall advise the Chief of Police or officer designated by him of the place of the entertainment and the time it will end. Minors who attend such a function shall be required to be in compliance with subsection (b) hereof, no later than thirty minutes following the time the sponsor indicated that the function would end.

(2) The provisions of subsection (b) hereof shall not apply to any minor accompanied by his parent, guardian or other adult person having the care and custody of the minor, or where the minor is on an emergency errand, or upon a business trip directed or ordered by his parent, guardian or other adult person having the care and custody of the minor.

(3) The provisions of this section shall not apply to any minor under the age of eighteen years where the minor is gainfully employed and the employment requires the minor to be in violation of subsection (b) hereof, and the employment is with the consent and permission of the parents, guardians or other persons having the care and custody of the minor.

(d) Disposition of Child. Any child found in violation of this section shall be taken to the Police Department and the parent, guardian or person in loco parentis shall be notified to come to the Department and take personal charge of the child. The child shall be released only to the parent, guardian, person in loco parentis or to the juvenile authorities.

(e) Responsibility of Parent.

(1) No parent, guardian or other person having the lawful care, custody or control of any minor under the age of eighteen years shall knowingly allow or permit such person to violate the provisions of subsection (b) hereof.

(2) It shall be prima-facie evidence of violation of this section that the child of a parent, guardian or person having lawful custody was found in violation of subsection (b) hereof.

(3) Whoever violates this section is guilty of a minor misdemeanor.