

Min Book 320.06

ORDINANCE NO. 97-006

AN ORDINANCE RELATING TO PARENTAL RESPONSIBILITY FOR MINORS, ESTABLISHING A CURFEW FOR MINORS AND EXCEPTIONS THERETO, AND IMPOSING THE RESPONSIBILITY FOR VIOLATIONS OF THE CURFEW UPON PARENTS, GUARDIANS, OR OTHER PERSONS HAVING LEGAL CUSTODY OF SAID MINOR.

BE IT HEREBY ORDAINED by the City Council of the City of Springfield, Kentucky:

(A) CURFEW REGULATION AND RESPONSIBILITY.

It shall be unlawful for any parent or guardian having legal custody of a minor knowingly to permit or by inefficient control to allow such minor to be on or remain in or upon any business establishment, public assembly, building, place, street or highway within the City of Springfield during the curfew, which shall be in effect during the following periods:

FOR MINORS UNDER THE AGE OF 18 YEARS

- 1. Between 1:00 a.m. and 6:00 a.m. Saturday.
- 2. Between 1:00 a.m. and 6:00 a.m. Sunday.
- 3. Between 11:30 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(B) EXCEPTIONS.

In the following exceptional cases, a minor in or upon any business establishment, public assembly, building, place, street or highway within the City during the hours set out in Section (A) hereof shall not be considered in violation of the curfew established by this Ordinance:

- 1. When the minor is accompanied by his/her parent or guardian.
- 2. When the minor is accompanied by an adult pre-authorized by the minor's parent or guardian.
- 3. When a reasonable necessity or urgency would require an exception to this curfew period by the minor, and only during the time of such necessity or urgency.
- 4. When the minor is returning to his/her home by a direct route from, and within one hour of the termination of a school activity, or any activity of a religious or voluntary association.
- 5. When engaged in a business or occupation which the laws of the Commonwealth of Kentucky authorize a person under 18 years of age to perform.
- 6. When the minor is a driver or passenger in a motor vehicle passing through the City, by direct route, from one location to another either within or out of the City.
- 7. Any one under the age of 18 who is legally emancipated.

(C) DETAINING MINOR.

Each member of the police department while on duty is hereby authorized to detain any minor whose parent or guardian is reasonably believed to be in violation of this Ordinance, for the purpose of attaining the minor's name, age, address, and the name and address of the minor's parent or guardian.

If the officer has reasonable cause to believe that a curfew violation has occurred, the officer may issue a citation to the minor's parent or guardian, and either take the minor home or direct the minor to proceed immediately to his/her home.

(D) PENALTY.

Any parent or guardian violating the provisions of this Ordinance shall be subject to a fine of not less than \$50.00 and not more than \$500.00.

A violation of this ordinance is a CIVIL OFFENSE.

(E) DEFINITIONS.

As used in this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. MINOR - Any person under the age of 18 years.
2. PARENT - Any person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands "in loco parentis" or as a person to whom legal custody has been granted by order of a Court.
3. REMAIN - To stay behind, to tarry, or to stay unnecessarily upon or in any public assembly, building, place, street or highway.
4. ALLOW - Either permit or neglect to refrain or 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 Ordinance, or the circumstances must be such that a reasonably prudent parent or guardian should have known the minor was contributing to a violation of this Ordinance.

(F) CONFLICT.

Any existing City Ordinance in conflict herewith is hereby repealed.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(G) PASSAGE.

This Ordinance shall become effective upon its second reading, passage and publication.

CITY OF SPRINGFIELD, KENTUCKY

John W. Cecconi
John W. Cecconi, Mayor

ATTEST:

Sally Milburn
Sally Milburn, City Clerk

Decisional law reference: As to parental responsibility for curfew violations by minor children, see City of Eastlake v. Ruggiero, 220 N.E.2d 126.

First reading given April 14, 1997

Second reading given May 12, 1997

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<u>Council Member</u>	Yes	No
Pat Raybourne	<u>✓</u>	___
Mary Haydon	<u>✓</u>	___
John Ellery	<u>✓</u>	___
John Coyle	<u>✓</u>	___
John Hardin	<u>✓</u>	___
James Logsdon	<u>✓</u>	___