

AN ORDINANCE CREATING A CURFEW FOR JUVENILES WITHIN THE CITY LIMITS OF THE CITY OF EMINENCE, KENTUCKY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EMINENCE, KENTUCKY AS FOLLOWS:

Definitions.

For purposes of this ordinance, the following words or phrases shall have the following meaning:

ALLOW Either to permit or to neglect to prevent. It requires actual or constructive knowledge of the parent that the juvenile is violating this chapter. Constructive knowledge is deemed to be present when circumstances are such that a reasonably prudent parent should have known that the juvenile was violating this ordinance.

EMERGENCY A set of unforeseen circumstances or that resulting state that includes, but is not limited to fire, natural disaster, automobile accident, or any situation that requires immediate action to prevent serious bodily injury, loss of life, or immediate loss of property.

JUVENILE Any unmarried person under the age of eighteen.

PARENT Any person having legal custody of a juvenile as a natural or adoptive parent, a legal guardian, a person to whom legal custody of the juvenile has been granted by a court order, or a person who stand in loco parentis to the juvenile.

PUBLIC PLACE Any place within the city to which the general public or a substantial part of the general public has access. It includes, but is not limited to, streets, sidewalks, school grounds, shopping centers, restaurants, parking lots, parks, and bowling alleys.

JUVENILE CURFEW

A) Except as provided in paragraph (C) of this ordinance, no unmarried person under the age of eighteen (18) shall be or remain in any public place within the city during the following periods:

- 12:30 a.m. Sunday to 6:00 a.m. Sunday
- 11:30 p.m. Sunday to 6:00 a.m. Monday
- 11:30 p.m. Monday to 6:00 a.m. Tuesday
- 11:30 p.m. Tuesday to 6:00 a.m. Wednesday
- 11:30 p.m. Wednesday to 6:00 a.m. Thursday
- 11:30 p.m. Thursday to 6:00 a.m. Friday
- 12:30 a.m. Saturday to 6:00 a.m. Saturday

B) Except as provided in paragraph (C) of this ordinance, it shall be unlawful for any parent having legal custody of a juvenile to allow that juvenile to be or remain in a public place during the hours stated in paragraph (A) of this ordinance.

C) The juvenile curfew hours set forth in paragraph (A) shall not apply in the following instances:

1. When the juvenile is accompanied by a parent or an adult of at least twenty-one (21) years of age who is authorized by the parent of the juvenile to accompany that juvenile (authorization by a parent must be in writing and in possession of the juvenile);

2. When returning home, by direct route, and within one (1) hour of the termination of any school, religious, or civic activity;

3. When engaged in a business or occupation authorized by the laws of Kentucky for a juvenile, or when traveling to or returning from, such business or occupation by direct route, provided that the return is within one (1) hour of when the juvenile's work hours ended;

4. When the juvenile is on the sidewalk contiguous to the property where such juvenile resides or on the sidewalk of a next-door neighbor, provided that such next-door neighbor has not communicated an objection to the police department;

5. When exercising the rights under the First Amendment to the United States Constitution, provided that the juvenile is in possession of written notice signed by the juvenile and a parent specifying when, where, and in what manner the juvenile will be exercising First Amendment rights, and provided that such information in the notice matches the time, place, and manner in which the juvenile claims to be exercising his or her First Amendment rights.

POLICE ACTION UPON VIOLATION

Upon determining that there is probable cause that a juvenile is in violation of this curfew ordinance, a police officer may obtain the information necessary to issue a citation to the juvenile's parent which shall inform the parent that there is probable cause to believe that a violation of this chapter has been committed and then either take the minor home or direct the minor to proceed immediately to his or her home.

PENALTY

Violations of this ordinance which result in the issuance of the first citation within a twelve (12) month period shall not carry a penalty. The issuance of the second citation within a twelve (12) month period shall subject a person to a fine not to exceed fifty dollars (\$50.00), and subsequent violations shall be subject to a fine not to exceed four hundred dollars (\$400.00) each.

This ordinance shall take effect and be in force after the passage and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF EMINENCE,
KENTUCKY ON THIS THE 14th DAY OF April, 2003.


DOUGLAS BATES, MAYOR
CITY OF EMINENCE, KENTUCKY

ATTEST: 
SANDRA A. DOANE, CITY CLERK
CITY OF EMINENCE, KENTUCKY

First reading: 03-27-03
Second reading: 04-14-03
Published: 04-30-03