

CHAPTER 511
Juvenile Curfew

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CROSS REFERENCES

- Liquor sales to underage persons - see GEN. OFF. 529.02, 529.021, 529.06
- Underage purchase, consumption or possession - see GEN. OFF. 529.03
- False information for liquor employment - see GEN. OFF. 529.10
- Cigarette or tobacco distribution - see GEN. OFF. 537.03
- Contributing to delinquency of - see GEN. OFF. 537.05
- Parent culpability for delinquent acts - see GEN. OFF. 537.06

511.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply:

- (a) "Minor" means any person under the age of eighteen, or, an equivalent phrasing often herein employed, any person seventeen or less years of age.
- (b) "Parent" means 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 to whom legal custody has been given by order of court.
- (c) "Remain" means to stay behind, to tarry and to stay unnecessarily upon the streets, including, but not limited to, the congregating of groups totaling four or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

- (d) "Street" means a way or place, of whatsoever nature, open to the use of the public as a matter of right for the purpose of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes the legal right of way, including, but not limited, the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass, plots, or other grounds found within the legal right of way of a street. The term street applies irrespective of what it is called or formerly named, whether alley, avenue, court, road, or otherwise. The term street shall also include shopping centers, parking lots, parks, playgrounds, public buildings, the common areas of public housing developments, and similar areas that are open to the use of the public.
- (e) "Time of night" means the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in Springfield, Ohio, prima facie the time then observed in the Springfield, Ohio, administrative offices and police station.
- (f) "Community service" means such public service as the Juvenile Court shall determine is appropriate in connection with proved juvenile curfew violations under this chapter.
(Ord. 93-137. Passed 4-27-93.)

511.02 CURFEW FOR MINORS.

No person seventeen years of age or less (under 18) shall be or remain in or upon the streets within the City of Springfield, at night during the period beginning at 12:00 a.m. (midnight) and ending at 6:00 a.m.
(Ord. 93-137. Passed 4-27-93.)

511.03 EXCEPTIONS.

In the following exceptional cases a minor in a City street during the nocturnal hours for which Section 511.02 is intended to provide the maximum limits of regulation shall not, however, be considered in violation of the curfew ordinance:

- (a) When accompanied by a parent of such minor.
- (b) When accompanied by an adult authorized by a parent of such minor to take such parent's place in accompanying such minor for a designated period of time and purpose within a specified area.
- (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.
- (d) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next door neighbor not communicating an objection to the police officer.
- (e) When returning home, by a direct route from, and within thirty minutes of the termination of, a school activity, an activity of a religious or other voluntary association, or place of employment.
- (f) When the minor is, with parental consent, in a motor vehicle engaged in interstate movement through the City, or interstate travel beginning or ending in the City.
(Ord. 93-137. Passed 4-27-93.)

511.04 PARENTAL RESPONSIBILITY.

No parent having legal custody of a minor shall knowingly permit or by inefficient control allow, such minor to be or remain upon any City street under circumstances not constituting an exception to or otherwise beyond the scope of, this chapter. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.
(Ord. 93-137. Passed 4-27-93.)

511.05 POLICE PROCEDURES.

(a) Police procedures may provide that the police officer may deliver to a parent thereof a minor under appropriate circumstances, for example, a minor of tender age (under the age of thirteen years) near home whose identity and address may readily be ascertained or known.

(b) Those minors who are found to be in violation of this curfew ordinance shall be issued a citation by the police officer. Except as provided in subsection (a) hereof, such a minor shall not be delivered to a parent, but shall be informed that he or she must proceed home without delay.

(c) In the case of a second or subsequent violation, the minor shall again be issued a citation. He or she shall also either be taken home or brought to police headquarters. The parent of such minor may be issued a citation for a violation of Section 511.04.
(Ord. 93-137. Passed 4-27-93.)

511.99 PENALTY.

(a) If a parent violates Section 511.04 in connection with a second, or subsequent, violation by a minor, this shall be treated as a parental offense. For such parental offense, a parent shall be guilty of a minor misdemeanor.

(b) Any minor who violates Section 511.02, shall be adjudged an unruly child, with such disposition of the case as may be appropriate under Ohio R.C. Chapter 2151.
(Ord. 93-217. Passed 6-15-93.)