

RESOLUTION TO ADOPT JUVENILE CURFEW LEGISLATION

The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 20th day of August, 1996 with the following members present:

Craig C. Snee  
Daniel L. McKimm  
Michael Puterbaugh

Mr. McKimm moved for the adoption of the following resolution:

WHEREAS, the Board of Trustees has conducted prior discussions and have received public comment upon the need for juvenile (persons under the age of eighteen years) curfew legislation.

WHEREAS, the attached Curfew Study submitted to us by Larry Durian, Director of the Juvenile Diversion Program, which is incorporated herein, demonstrates, among others, the following statistics:

1. 35% of juvenile crime is committed between the hours of 9:00 p.m. to 6:00 a.m. Approximately 30% of these crimes are committed by nonresidents.

2. There was a 69% increase in juvenile crime from the period January - May 1996 compared with the period January - May 1995.

3. 47% of juvenile crime is drug or alcohol related. A substantial number of nonresident crimes between the hours of 10:00 p.m. to 6:00 a.m. involve drugs or alcohol.

WHEREAS, Jackson Township has a compelling interest in the welfare of its citizens under the age of eighteen years, whose peculiar vulnerability, immaturity, inexperience and inability to make critical decisions in an informed mature manner may sometimes impair their ability to exercise their rights wisely or safely and a compelling interest in reducing juvenile crime and victimization while promoting juvenile safety and well being.

WHEREAS, the attached juvenile curfew legislation is designed to achieve the following legislative goals:

1. reduce juvenile crime, juvenile crime victims, juveniles as crime victims or other exposure to criminal or unsafe activity
2. reduce juvenile alcohol and drug abuse
3. reduce injury accidents involving juveniles
4. reduce additional time for police officers in the field
5. reduce juvenile peer pressure to stay out late
6. assist parents in the control of their children

WHEREAS, the aim of the legislation is to deter criminal or unruly conduct involving juveniles as well as penalize those individuals who violate it and its intent is not to penalize every youth found in public during curfew hours, but to use the resolution as a tool to help address juvenile criminal or unruly activity or to disburse gatherings involving unruly juveniles.

NOW THEREFORE BE IT RESOLVED THAT, we hereby dispense with the requirement that this resolution be read on two separate days and authorize the adoption of this resolution upon its first reading.

BE IT FURTHER RESOLVED THAT, pursuant to Ohio Revised Code Sections 504.04(A)(1) and (2), 505.05 and 505.89, we hereby adopt the attached juvenile curfew legislation, which is fully incorporated herein, effective September 21, 1996.

BE IT FURTHER RESOLVED THAT, we adopt the attached citation form required by Ohio Revised Code Section 504.06 for violations of the Ohio Revised Code Chapter 504 parts of the attached legislation.

BE IT FURTHER RESOLVED THAT, this Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

BE IT FURTHER RESOLVED THAT, the Township Clerk is hereby directed to publish the attached notice of this resolution.

Mr. Snee seconded the motion and upon roll call the vote resulted as follows:

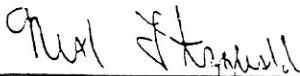
|                |     |
|----------------|-----|
| Mr. Snee       | YES |
| Mr. McKimm     | YES |
| Mr. Puterbaugh | NO  |

The foregoing is a true and correct counterpart of Resolution No. 96-534, duly adopted on August 20, 1996 and filed with me as the Township Clerk on August 21, 1996.



David L. Osborne  
Clerk, Board of Trustees of  
Jackson Township

The foregoing resolution  
is approved as to form:



Neal Fitzgerald  
Law Director  
Jackson Township

Date of Approval: August 21, 1996  
Effective Date: September 21, 1996

## JUVENILE CURFEW LEGISLATION

### A. Definitions. In this legislation:

#### (1) CURFEW HOURS means:

(a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and

(b) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

(2) EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) ESTABLISHMENT means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

#### (4) GUARDIAN means:

(a) a person who, under court order, is the guardian of the person of a minor; or

(b) a public or private agency with whom a minor has been placed by a court.

(5) MINOR means any person under 18 years of age.

(6) OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

#### (7) PARENT means a person who is:

(a) a natural parent, adoptive parent, or step-parent of another person; or

(b) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(8) PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

#### (9) REMAIN means to:

(a) linger or stay; or

(b) fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

(10) SERIOUS BODILY INJURY means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

#### B. Offenses/Enforcement/Penalty

(1) Pursuant to Ohio Revised Code Section 505.89, a minor commits an offense if he remains in any public place or on the premises of any establishment within the unincorporated area of Jackson Township during curfew hours and any minor committing an offense shall be charged as being an unruly child and taken before the juvenile court as provided in Chapter 2151 of the Ohio Revised Code.

(2) Pursuant to Ohio Revised Code Sections 504.04(A)(1) and (2) and 504.05:

(a) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, or neglects to restrain or prevent the minor to remain in any public place or on the premises of any establishment within the Township during curfew hours.

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

(c) A parent or guardian of a minor or any owner, operator or any employee of an establishment whom violates this resolution is subject to a written warning for the first violation, a fine of \$25 for the second violation and \$50 for each subsequent violation.

(3) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception in Subsection C is present.

#### C. Exceptions

(1) It is not a violation of this Legislation if the minor was:

(a) accompanied by the minor's parent or guardian;

(b) on an errand to the direction of the minor's parent or guardian, without any detour or stop;

(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 stop;

(e) involved in an emergency;

(f) on the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence;

(g) attending an official school, religious, or other recreational activity supervised by adults and sponsored by Jackson Township, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by Jackson Township, a civic organization, or another similar entity that takes responsibility for the minor;

(h) 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; or

(i) married or had been married or is lawfully emancipated; or

(2) It is a defense to a violation under Subsection 3(2)(b) 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.

#### SEVERABILITY

If any of the provisions in any of the sections of the above legislation should be rendered invalid or unenforceable by the enactment of statutory law or by a Court of competent jurisdiction from whose final judgment or decree no appeals have been taken within the time provided thereof or by any administrative or executive official having authority to rule in the matter, such legislation, decision or ruling shall not affect the validity of the surviving portions of this legislation which shall remain in full force and effect as if such invalid portion thereof had not been included therein.