

ORDINANCE NO. 29-2013

AN ORDINANCE ADOPTING CHAPTER 637 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BRADNER "CURFEW FOR MINORS", AND REPEALING EXISTING CURFEW ORDINANCE 18-91.

WHEREAS, the Village Council has determined that the existing Minor Curfew Ordinance no longer fits the needs of the Village and is confusing and complicated.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BRADNER, WOOD COUNTY, OHIO:

SECTION I. That Codified Ordinance Chapter 637 titled "Curfew for Minors" including Sections 637.01 through 637.99 is adopted to read as follows:

637.01 DEFINITIONS.

For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein.

(a) "Village" is the Village of Bradner.

(b) "Minor" is any person under the age of eighteen years whose care and custody, as well as right to earnings, repose with a parent or legal guardian. It does not include an emancipated minor or anyone under the age of eighteen years who is legally married.

(c) "Public place" shall include any bar, bowling alley, café, drive-in restaurant, drug store, grocery store, hamburg stand, public or private parking lot, pool room, restaurant, saloon, supermarket, or any place dedicated to amusement and entertainment to which the public is invited and shall include, in addition, all public streets, alleys, highways, walkways, parks and squares within the Village which are used by the public. Public places shall include riding upon or in or operating a motor vehicle, bicycle, motorized bicycle or motorcycle as those vehicles are defined in Chapter 402 of the Codified Ordinances.

637.02 PROHIBITION, MINORS.

No minor shall be present in any public place within the Village of Bradner between the hours of 10:00 p.m. and 6:00 a.m. Sunday through Thursday during the school year while public schools are in session, including vacation periods; between 11:00 p.m. and 6:00 a.m. when school is out of session during June, July and August; or 12:00 a.m. to 6:00 a.m. Friday and Saturday, unless said minor is accompanied by a parent, legal guardian, legal custodian, or some other adult person who has been authorized by a parent, legal guardian or legal custodian of said minor to have said minor in a public place between the hours indicated.

637.03 PROHIBITION, PARENTS.

No person, whether as parent, legal guardian or legal custodian of a minor, shall permit said minor unaccompanied by his/her parent, legal guardian, legal custodian or some other specifically authorized adult person, to be in a public place within the Village in violation of Section 637.02. Any parent, legal guardian or legal custodian shall be presumed to have permitted a minor in his/her care or custody if said minor is found in a public place in violation of this chapter and the parent, legal guardian or legal custodian does not have knowledge of the whereabouts of said minor child, or has failed to exercise reasonable care to determine and know the whereabouts of said minor child, between the hours set forth in this chapter.

637.04 EXCEPTIONS.

No minor or adult person shall be deemed to be in violation of either Section 637.02 or Section 637.03 if said minor is found in a public place between the hours of 10:00 p.m. and 6:00 a.m. Sunday through

Thursday during the school year while public schools are in session, including vacation periods, between 11:00 p.m. and 6:00 a.m. when public schools are out of session during June, July and August, or 12:00 a.m. to 6:00 a.m. Friday or Saturday, provided said minor is engaged in or traveling by the most direct route available to or from his home and the site of any organized school activity, religious activity, civic activity or organized sporting event, or if said minor is engaged in lawful employment with consent of his parent, legal guardian or legal custodian.

637.05 POLICE AUTHORITY.

Any police officer of the Village of Bradner Police Department shall be authorized to stop and require identification of any person who is found in or upon a motor vehicle, bicycle, motorized bicycle or motorcycle, or who loiters, idly remains, congregates, tarries or stays in a public place during the prescribed hours as set forth hereinabove, and whose actions, appearance, demeanor or other fact within the knowledge of the police officer gives rise to the reasonable belief that said person is a minor. The identification required shall include the person's age, home address, phone number and if the person resides outside the limits of the Village of Bradner, the address where said person may be staying within the Village. Any person stopped and found not to be a minor shall be allowed to proceed freely with no record made of the inquiry.

637.06 DUTIES OF POLICE OFFICE IF VIOLATION OCCURS.

It shall be the duty of a police officer finding a minor in violation of this chapter to take said minor to his/her home within the Village of Bradner and discuss the provisions of this chapter with the parent, legal guardian or custodian of said minor and to issue a warning citation. If the parent, legal guardian or legal custodian of said minor cannot be located, or if said minor resides outside of the Village, the officer, at his discretion, may detain said minor found in violation of this chapter and take said minor to a convenient place where said parent, legal guardian or legal custodian can be called. The police officer shall make a written record of the information obtained from said minor child and a brief summary of the facts surrounding the stopping of said child and shall release said minor to the custody of the parent, legal guardian or legal custodian, if said person can be found or reached by telephone. If said parent, legal guardian or legal custodian cannot be found or reached by telephone, the officer, at his discretion, may review the provisions of this chapter with said minor and release him or may refer said child to the Wood County Juvenile Court or other proper governmental agency authorized to handle juveniles with Wood County.

637.07 ADULT PENALTIES.

Any parent, legal guardian or legal custodian found in violation of this chapter, after being given the first warning provided for in Section 637.06 and whose minor child is thereafter found in violation of this chapter, shall be deemed guilty of minor misdemeanor the first time said party is cited under this chapter. On each subsequent offense, said parent, legal guardian or legal custodian shall be guilty of a misdemeanor of the fourth degree.

637.08 PENALTIES APPLYING TO THE MINOR.

Any minor found in violation of this chapter, after once receiving the warning provided for in Section 637.06, shall be referred to the Juvenile Court of Wood County, Ohio, for a determination as to whether or not said minor should be proceeded against as may be appropriate under Ohio R. C. Chapter 2151 as an unruly child, a delinquent child or a neglected child.

637.09 RECORDKEEPING RESPONSIBILITY.

All records required to be maintained pursuant to the terms and provisions of this chapter shall be considered confidential in order to protect the minor involved and shall be available for inspection only by the Mayor, the Solicitor or court prosecutor if said legal officer is called upon to prosecute any charge under the terms and provisions of this chapter, the members of the Police Department, and the Judge and administrative personnel of the Wood County Juvenile Court. In addition, said records shall be available for inspection by the parent, legal guardian or legal custodian, or attorney for the parent, guardian, custodian or minor charged under the terms and provision of this chapter.

637.99 PENALTIES.

Any violation of the provisions of this chapter shall constitute a minor misdemeanor for the first offense. If, within one year of the offense, the offender has plead guilty or been convicted of a violation of this chapter such offense is a misdemeanor of the fourth degree. Punishment shall be as provided in Chapter 698 of the Village Codified Ordinances.

SECTION II. That prior Ordinance 18-91 and all prior juvenile curfew ordinances are hereby repealed.

SECTION III. That this Ordinance shall go into force and effect at the earliest time allowed by law.

PASSED:

President of Council

ATTEST:

Clerk

APPROVED:

Date

Virgil Shull, Mayor

CHESTER H. MARCIN
VILLAGE LEGAL COUNSEL