

SYMMES TOWNSHIP

HAMILTON COUNTY, OHIO

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BOARD OF TRUSTEES

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RESOLUTION G-9630

Resolution Establishing a Curfew for Minors

WHEREAS, the establishment of a curfew for minors by a board of township trustees is authorized by Ohio Rev. Code § 505.89;

WHEREAS, Symmes Township and surrounding communities have experienced an increase in the number of criminal acts perpetrated against the citizens and business of Symmes Township by minors; and

WHEREAS, many of these crimes involve a disturbance of public peace and destruction of private property and have contributed to a general climate of insecurity and lawlessness; and

WHEREAS, with the proliferation of crimes involving the use of weapons and the trade in drugs, criminal acts committed by minors have become more serious and have contributed to an unsafe environment for our young people; and

WHEREAS, a large number of these crimes are committed by minors or against minors at night; and

WHEREAS, the Symmes Township Board of Trustees recognizes the need to protect minors from becoming victims, as well as perpetrators of crimes which occur at night; and

WHEREAS, neighboring communities have enacted similar curfew ordinances which may cause minors from those communities to take refuge in Symmes Township during the hours of their curfew

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of Symmes Township, Hamilton County, Ohio, for the reasons set forth above hereby declares, pursuant to Ohio Rev. Code § 505.89, that it is necessary to adopt a curfew for persons under 18 years of age in the unincorporated areas of Symmes Township and subject to the following definitions and provisions:

Section I. Definitions

1. CURFEW HOURS mean:
 - a. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday night until 5:00 a.m. of the following day; and
 - b. 12:30 a.m. until 5:00 a.m. on any Saturday or Sunday morning.
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, natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. EMPLOYMENT ACTIVITY means any bona fide service performed for wages or salary under contract for hire, written, expressed or implied.
4. 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.
5. GUARDIAN means:
 - a. a person who, under court order, is the guardian of a minor; or
 - b. a public or private agency with whom a minor has been placed by a court.
6. MINOR means any person under 18 years of age who is not married or otherwise emancipated.
7. OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of a limited liability company, or an association or partnership and the officers of a corporation.
8. 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.
9. 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, shopping centers, malls, and restaurants.
 - 10 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.
 - 11 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.

Section II. Offenses

A minor commits an offense if he/she remains in any public place or on the premises of any establishment within Symmes Township during curfew hours.

Section III. Defenses

1. It is a defense to prosecution under Section II that the minor was:
 - a. accompanied by the minor's parent or guardian;
 - b. on an errand at 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 activity organized and supervised by adults and sponsored by Symmes Township, another municipality, school district, civic organization or other similar organization that takes responsibility for the minor, or attending an official school or religious activity;
- h. going to or coming from, without any detour or stop, those activities identified in Section III (1)(g) herein; or
- i. 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.

Section IV. Enforcement

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 defense in Section III is present.

Section V. Penalties

Any minor found violating any provision of this Resolution shall be guilty of being an unruly child, and shall be dealt with in accordance with juvenile law and procedure.

ADOPTED AUGUST 6, 1996

Vote Record: Mr. Page No Mrs. Grossman Aye Mr. Minamyers Aye

BOARD OF TRUSTEES:

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Joanne B. Grossman, Vice-Pres.

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Eric Minamyers, Trustee
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ATTEST:

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John C. Borchers, Clerk

Robert P. Malloy
Robert P. Malloy, Law Director