

509.08 JUVENILE CURFEW.

(a) Definitions. For the purposes of this section, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the past tense or the future tense; words used in the singular include the plural and the plural the singular.

(1) "Allow" means to permit or neglect to refrain or prevent.

(2) "City" shall mean the City of Eaton.

(3) "Juvenile" shall mean any unmarried person under the age of eighteen.

(4) "Owner" shall mean any person, firm or corporation operating or having charge of a public place.

(5) "Parent" shall mean the parent, guardian, custodian, person having custody or control, or person, over the age of eighteen years, who is in loco parentis to a juvenile.

(6) "Public place" shall mean any street, alley, sidewalk, right-of-way, park, parking lot, playground or other place to which the public has access and a right to resort for lawful purposes. "Public place" shall also include, but not be limited to, any store, shop, restaurant, tavern, bar, bowling alley, café, theater, pool room or arcade, shopping center and any other place devoted to amusement, entertainment or retail sales to the general public, and shall include the property upon which such uses are located, including parking lots.

(b) Juveniles under Twelve. No juvenile under the age of twelve (12) years shall be in, about or upon the streets or other public places in the City between the hours of 10:00 p.m. and 6:00 a.m. unless accompanied by a parent.

(c) Juveniles Twelve and Over but Under Eighteen. No juvenile under the age of eighteen years shall be in, about or upon on the streets or other public places in the City between the hours of midnight and 5:00 a.m. unless accompanied by a parent or where the presence of such juvenile is connected with or required by some legitimate employment or occupation.

(d) Responsibility of Parents. No parent of any juvenile shall allow such juvenile to violate subsections (b) or (c) hereof.

(e) Affirmative Defenses. The following shall be affirmative defenses to a charge of a violation of subsections (b), (c) (d) or (e) of this section:

(1) The juvenile is accompanied by a parent or an adult authorized with written parental consent dated the same date as the juvenile is discovered, which the juvenile has on his or her person at the time of the alleged violation.

(2) The juvenile is exercising First Amendment rights protected by the United State Constitution, such as free exercise of religion, freedom of speech and the right of assembly, provided, however, that written notice signed by the juvenile and countersigned by a parent is in the possession of the juvenile specifying when, where, and in what manner such juvenile will be exercising such First Amendment rights.

(3) The juvenile is on the sidewalk of the place where such juvenile resides, or on the sidewalk of either next-door neighbor, who has not communicated an objection to the Officer or the City Police Division.

(4) The juvenile is returning home, by a direct route from, and within thirty- (30) minutes of, the termination of a school activity, or any activity of a religious or other voluntary association, or activity authorized by permit issued by the City Manager, as outlined below, provided, however, that justification indicating the place and time of termination of such event can be given to any investigating Office of the City Police Division.

(5) The juvenile is otherwise lawfully engaged and is in a motor vehicle with a lawfully authorized driver, with written parental consent dated the same date as the juvenile is discovered, which the juvenile has on his or her person at the time.

(6) The juvenile is a duly authorized and licensed driver and is operating a motor vehicle within the City for the purpose of passing through, by direct route, from one location to another either within or out of the City, including all juveniles that may also be within the vehicle.

(7) In the case of reasonable necessity, such as an emergency, but only after such juvenile's parent has communicated to the City Police Division the facts establishing such reasonable necessity or when such emergency is clearly apparent to the investigating Officer.

(8) The juvenile is attending an activity authorized by permit issued by the City Manager. Such permit should be issued sufficiently in advance to permit publicity through news media and other agencies, such as schools. The permit shall define the activity, the scope of the use of the streets or public places permitted, and the period of time involved. The City Manager shall notify the City Police Division of the issuance of any such permit, i.e., an assembly or parade permit.

(f) Penalties.

(1) Any juvenile violating subsection (b) or subsection (c) hereof may be taken into custody by the City Police Division and turned over to the Juvenile Court of Preble County, Ohio, to be dealt with in accordance to Juvenile Court law and procedures.

(2) Any person who violates subsection (d) hereof is guilty of a misdemeanor of the third degree.

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