

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

Eddyville - General Offenses

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Section

130.01 Nocturnal curfew for minors

§ 130.01 NOCTURNAL CURFEW FOR MINORS.

(A) Responsibility. The city hereby enacts a curfew, assigning responsibility for its maintenance to parents and guardians of minors, and imposing penalties for its violation.

(B) Findings and Purposes.

(1) The City Council has determined that minors have been congregating in the city, causing disturbances and criminal violations. As a result, it finds and determines that there presently exist within the city circumstances calling for the regulation of minors.

(2) The regulation of minors is needed in order to protect them, from each other and from other persons on the street during the nocturnal hours.

(3) Such regulation is also aimed at aiding in the prevention of crime and promoting the enforcement of parental control of, authority over, and responsibility for their minor children.

(4) It further seeks to reduce juvenile crime rates, to protect the public from nocturnal mischief by minors, and to further public safety and welfare.

(C) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CURFEW HOURS.

(a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 5:00 a.m. of the following day; and

(b) 1:00 a.m. until 5:00 a.m. on any Saturday or Sunday.

(c) 10:00 p.m. on Halloween

EMERGENCY. An unforeseen combination of circumstances, or the resulting state, that calls for immediate action. This 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.

ESTABLISHMENT. 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.

GUARDIAN.

- (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.

MINOR. Any person under 18 years of age.

OPERATOR. Any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment. This includes the members or partners of an association or partnership, and the officers of a corporation.

PARENT.

- (a) A natural parent, adoptive parent, or step-parent of another person; or
- (b) A person who is at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE. Any place to which the public, or a substantial portion of the public, has access. This includes, but is not limited to, streets and highways, and the common areas of: schools, parks, parking lots, apartment houses, buildings, shops, and transport facilities.

REMAIN.

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

SERIOUS BODILY INJURY. Bodily injury that causes: death, a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(D) Offenses.

(1) A minor commits an offense if he or she remains in any public place or on the premises of any establishment within the city during curfew hours.

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

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

(E) Defenses.

(1) It is a defense to prosecution under § 130.01 (D) that the minor was:

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

(b) Performing an errand or a duty 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 on that 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 recognized or sponsored by the city, 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 a civic organization or another similar entity that takes responsibility for the minor; or

(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;

(2) It is a defense to prosecution under § 130.01 (D)(3) 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.

(F) Enforcement.

(1) 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.

(2) 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 § 130.01 (E) is present.

(G) Penalty.

(1) The violation of this section shall constitute a misdemeanor offense.

(2) Violators shall be guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

(3) Each offense, upon conviction, is punishable by a fine not to exceed \$500.

(4) The violation of this section shall also subject the offender to a civil penalty pursuant to KRS 83A-065.

(H) Reporting. The Police Department shall maintain data on violations of this section which shall be furnished to the City Council at its regular meetings.

(Ord. 10-4-99-A, passed 10-5-99, Am. Ord. 11-10-03, passed 12-1-03)

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