

CURFEW FOR MINORS

1. **Definitions.** In this Section:

1.1 "Curfew hours" shall be 11:00 p.m. on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays, and 12:00 midnight on Fridays and Saturdays, until 6:00 a.m. of the following day.

1.2 "Emergency" shall mean any unforeseen combination of circumstances or the resulting state that call 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.

1.3 "Establishment" shall mean 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.

1.4 "Guardian" shall mean:

1.4.1 A Person who, under court order, is the guardian of the person of a minor; or

1.4.2 A public or private agency with whom a minor has been placed by a court.

1.5 "Minor" for purposes of these regulations only, shall mean any person under 18 years of age.

1.6 "Operator" shall mean any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association, partnership or limited liability company, the officers of a corporation and the managers of a limited liability company.

1.7 "Parent" shall mean a person who is:

1.7.1 A natural parent, adoptive parent, or step-parent of another person; or

1.7.2 At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

1.8 "Public place" shall mean any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highway, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

1.9 "Remain" shall mean to:

1.9.1 Linger or stay; or

1.9.2 Fail to leave a premises or location when requested to do so by a police officer or the owner, operator, or other person in control of the premises or location.

1.10 "Serious bodily injury" shall mean 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.

2. **Restrictions.**

2.1 It shall be unlawful for any minor to remain in any public place or on the premises of any establishment within the township during curfew hours.

2.2 It shall be unlawful for any parent or guardian or a minor to knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the township during curfew hours. The term "knowingly" includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in the legal custody of that parent or guardian.

2.3 It shall be unlawful for any owner, operator, or any employee of an establishment to knowingly allow a minor to remain up on the premises of the establishment during curfew hours.

3. **Exceptions.**

3.1 The following shall constitute valid exceptions to the operation of the curfew. That the minor was:

3.1.1 Accompanied by the minor's parent or guardian;

3.1.2 On an errand at the direction of the minor's parent or guardian, without any detour or stop;

3.1.3 In a motor vehicle involved in interstate travel;

3.1.4 Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

3.1.5 Involved in an emergency;

3.1.6 On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not comply to the police department about the minor's presence;

3.1.7 Attending an official school, religious, or other recreational activity supervised by adults and sponsored by 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 or sponsored by a civic organization, or other similar entity that takes responsibility for the minor;

3.1.8 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

3.1.9 Married or has been married.

3.2 It is a defense to prosecution under Section 2 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.

4. **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 3 is present.

5. **Penalties.**

5.1 A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.

5.2 Any minor who is convicted of a violation of this section and any adult person having the care and custody of such minor, is guilty of a petty misdemeanor and shall be punishable by a fine not to exceed \$300.00.

5.3 Any person who has three prior convictions under this section within the immediately preceding twelve month period shall be guilty of a misdemeanor, and shall be punishable by a fine not to exceed \$1,000.00 and a jail sentence not to exceed ninety days.