

CURFEW

~~§ 131.01 PROHIBITION; RESTRICTIONS.~~

~~It shall be unlawful for any person under the age of 18 years, to be on any public road, street, alley, or park, or other lands used for public purposes, or in any public place of business or amusement in the county, outside the corporate limits of any city, village, or incorporated town, between the hours of 11:30 p.m. Friday and 6:00 a.m. Saturday, and between 11:30 p.m. Saturday and 6:00 a.m. Sunday, and between the hours of 10:30 p.m. and 6:00 a.m. on any other day of the week, unless the person is accompanied by a parent, guardian, or other proper person of the age of 21 years or more, or unless engaged in some occupation or business in which the person may lawfully engage under the statutes of this state. Curfew hours for a day preceding a legal holiday shall be the same as for Fridays and Saturdays.~~

~~(1977 Code, § 3:4-1) (Ord. passed 12-18-1961) Penalty, see § 131.99~~

~~§ 131.02 RESPONSIBILITY OF PARENTS.~~

~~It shall be unlawful for any parent, guardian, or other adult person having the legal care and custody of any person under the age of 18 years, to allow or permit the person to go or to be in or upon any public road, street, alley, or park, or other lands used for public purposes, or in any public place of business or amusement in the county outside the corporate limits of any city, village, or incorporated town within the times prohibited in the preceding section, unless accompanied as provided therein, or unless there exists a reasonable necessity therefor.~~

~~(1977 Code, § 3:4-1) (Ord. passed 12-18-1961) Penalty, see § 131.99~~

~~§ 131.03 VIOLATIONS; WARNING; NOTICE.~~

~~(A) Any child under the age of 18 years who shall violate any of the provisions of this subchapter shall be warned by any police officer forthwith to comply with those provisions. Any child who resists the warning shall be brought immediately to the nearest police station or the county jail. The parent, guardian, or other adult person having the legal care and custody of the child shall be notified without delay of the manner in which this subchapter has been violated, and must then come to the police station or county jail and take charge of the child. Any police officer finding a violation of this subchapter shall, without delay, report the violation to his or her superior officer, who shall cause a written notice to be served upon the parent, guardian, or other person having the legal care and custody of the child involved.~~

~~(B) In case any child under the age of 18 years, after receiving a warning as above, shall again violate any of the provisions of this subchapter, the violator and the parent or guardian thereof will be requested to appear before a Judge of the 19th Judicial Circuit in Lake County for disposition. If the parent or guardian and violator do not appear upon this request, the Lake County Court Judge will then order the Lake County Sheriff to bring in the persons.~~

~~(1977 Code, § 3:4-1) (Ord. passed 12-18-1961) Penalty, see § 131.99~~

Section 1. Definitions

- (a) “Curfew hours” means:
 - (A) Between 12:01 a.m. and 6:00 a.m. on Saturday
 - (B) Between 12:01 a.m. and 6:00 a.m. on Sunday
 - And
 - (C) Between 11:00 p.m. and 6:00 a.m. Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.
- (b) “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, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (c) “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.
- (d) “Guardian” means:
 - (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.
- (e) “Minor” means any person under 17 years of age.
- (f) “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.
- (g) “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.
- (h) “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.
- (g) “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 2. Curfew Offense

- (a) A minor commits a curfew offense when he or she remains in any public place or on the premises of any establishment during curfew hours.
- (b) A parent or guardian of a minor or other person in custody or control of a minor commits a curfew offense when he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.

Section 3. Exemptions

It is a defense to prosecution under Section 2 that the minor was:

- (a) Accompanied by the minor's parent or guardian or other person in custody or control of the minor;
- (b) on an errand at the discretion 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 of the minor's presence;
- (g) attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, 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 and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor;
- (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; or
- (i) married or had been married or is an emancipated minor under the Emancipation of Minors Act.

Section 4. Enforcement

Violations of this ordinance shall be enforced by the Lake County Sheriff or his or her designee(s) and, at his or her discretion, may proceed either through a notice to appear before the 19th Judicial Circuit Court or through administrative adjudication pursuant to the Lake County Administrative Adjudication Ordinance. (§§94.50 – 94.66).

Section 5. Penalty

- A. Any person who violates or assists in the violation of any provision of this ordinance shall be deemed to have committed an ordinance violation and shall be fined as set forth below. Each twenty-four hour period in which, or during which, a violation occurs shall constitute a separate offense.
- B. Lake County Sheriff's Office Citation filed in Circuit Court. If the Ordinance violation is cited for enforcement before the 19th Judicial Circuit, the fine amount shall be as follows:
- (1) The first violation of this ordinance shall be punishable by a fine of no less than \$250.00.
 - (2) A second violation of this ordinance by the same Person, within a twelve month period shall be punishable by a fine of no less than \$500.00.
 - (3) A third or subsequent violation of this ordinance by the same Person, within a twelve month period shall be punishable by a fine of no less than \$750.00.
- C. Lake County Administrative Adjudication Citation of Violation. If the Ordinance violation is cited for enforcement through the Lake County Administrative Adjudication Process, the minimum fine amount shall be \$115.00 for each violation.