

ORDINANCE NO. 2018.022

AN ORDINANCE FOR THE ESTABLISHMENT OF CURFEW FOR THE VILLAGE OF BLANCHESTER

WHEREAS, the Council finds that it is in the best interest of public safety and general welfare that the following ordinance be adopted;

THEREFORE, **BE IT NOW ORDAINED**, by the Council of the Village of Blanchester, State of Ohio, that the following shall forthwith apply

1. CURFEW

(a) Definitions.

- (1) "Minor" shall mean a person who is under 18 years of age.
- (2) "Remain" shall mean to linger, stay behind, tarry, to stay upon the public right-of-way, street, alley, highway, sidewalk, playground, park, plaza, building, or other place used by or open to the public.
- (3) "Adult" shall mean a person at least 21 years of age.
- (4) "Emergency" shall mean any 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, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (5) "Knowingly" shall have the same meaning as defined in Ohio Revised Code Section 2901.22.
- (6) "Emancipated Minor" shall mean a minor child under the age of 18 years of age and free of parental control.

- (b) It shall be unlawful for any minor under the age of 12 years to be, or remain in, about or upon any place in the village away from the dwelling house or usual place of abode of said minor, between the hours of 10:00 p.m. and 6:00 a.m. of the following day. The provisions of this section do not apply to said minor when accompanied by his or her parent, guardian or other adult person having the care, custody or supervision of said minor; or where said minor is going to or from employment; or is on specific business directed or permitted by his or her parent, guardian or other adult person having the care, custody or supervision of said minor.
- (c) It shall be unlawful for any minor age 12, 13, 14 or 15 years to be, or remain in, about or upon any place in the village away from the dwelling house or usual place of abode of said minor, between the hours of 11 p.m. and 6:00 a.m. of the following day. The provisions of this section do not apply to said minor when accompanied by his or her parent, guardian or other adult person having the care, custody or supervision of said minor; or where said minor is on an emergency errand; or where said minor is going to or from employment; or is on specific business directed or permitted by his or her parent, guardian or other adult person having the care, custody or supervision of said minor.
- (d) It shall be unlawful for any over the age of 15 years to be, or remain in, about or upon any place in the village away from the dwelling house or usual place of abode of said minor, between the hours of 12:00 a.m. and 6:00 a.m. The provisions of this section do not apply to any emancipated minor or to a minor when accompanied by his or her parent, guardian or other adult person having the care, custody or supervision of said minor; or where said minor is on an emergency errand; or where said minor is going to or from employment; or is on specific business directed or permitted by his or her parent, guardian or other adult person having the care, custody or supervision of said minor.

(e) In addition to any other powers he may have, any law enforcement officer who finds a minor violating any of the provisions of divisions (b), (c) or (d) of this ordinance is empowered to demand of the parent, guardian or other adult person having the care, custody or supervision of such minor that such parent, guardian or other adult person appear and take such minor into custody.

It shall be unlawful for any such parent, guardian or other adult person having the care, custody or supervision of said minor to fail or refuse to appear and take such minor into custody within two hours after such demand is made upon him, unless reasonably hindered from doing so.

(f) No parent, guardian or other adult person having the care, custody or supervision of a minor shall knowingly permit or by inefficient control allow such minor to be, or remain in, about or upon any place in the village away from the dwelling house or usual place of abode of said minor in violation of any of the provisions of sections (b), (c) or (d) of this ordinance.

(g) Penalty.

(1) Any minor found violating the provisions of divisions (b), (c) or (d) of this ordinance is an Unruly Child as defined in Ohio Revised Code section 2151.022.


(2) Any parent, guardian or other adult person having the care, custody or supervision of a minor who violates the provisions of division (e) or (f) of this ordinance shall be guilty of a minor misdemeanor.


(h) Severability. If any section, subsection, sentence, clause, phrase or portion of the provisions of this section is for any reason declared by any court of competent jurisdiction to be invalid or unconstitutional, such section, subsection, sentence, clause, phrase or portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining provisions of this section.

2. PRIOR ORDINANCES AND THOSE IN CONFLICT

(a) That this Ordinance acts to repeal and replace any and all prior Ordinances or Resolutions concerning the Village of Blanchester.

Passed this 14th day of June, 2018.


John Carman, Mayor

ATTEST:

Jewellie Casteel, Village Fiscal Officer

Fiscal Officer's Certificate:

The State of Ohio, County of Clinton, ss:

I, Jewellie Casteel, Fiscal Officer of the Village of Blanchester, Clinton County, and in whose custody the Files, Journals, and Records are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing Ordinance is taken and copied from the original Ordinance now on file with said Village, that the foregoing Ordinance has been compared by me with the said original and that the same is a true and correct copy thereof, and has been posted as required by law. This Ordinance has been duly published by posting in the following places: Blanchester Municipal Building, 318 E. Main St.; First National Bank, 121 E. Main St.; Blanchester Post Office, 115 S. Wright St.; Save-A-Lot, 121 S. Broadway St.; and at the Blanchester Public Library, 110 N. Broadway St., each for a period of fifteen (15) days commencing on the 10th day of June, 2018.

Witness my signature this 14th day of June, 2018.


Fiscal Officer of the Village of Blanchester, Clinton County, Ohio

