

ORDINANCE NO. 91-31 AC CMS

AN ORDINANCE ESTABLISHING A CURFEW WITHIN THE
CITY OF OBERLIN, OHIO, FOR PERSONS UNDER EIGHTEEN
YEARS OF AGE, PROVIDING PENALTIES FOR VIOLATIONS
THEREOF AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That there is hereby enacted a curfew in the City of Oberlin, Ohio, for persons under the age of eighteen (18) years which shall read as follows:

CURFEW

A.) No person under eighteen years of age shall be in or upon any public street, highway, park, vacant lot, or other public place between the hours of midnight and 5:00 a.m., Monday through Friday, and 1:00 a.m. and 5:00 a.m., Saturday and Sunday. This would then meet the intention of having the curfew start at a later time on Friday and Saturday.

B.) No person having the control and custody of, or being the parent or legal guardian of, a minor under the age of eighteen (18) years, shall permit such minor to remain away from the minor's residence or on unenclosed lands within the City of Oberlin, between the hours of 12:00 midnight and 5:00 a.m., Sunday through Thursday, and 1:00 a.m. and 5:00 a.m., Friday and Saturday.

EXCEPTIONS

The following shall constitute valid exceptions to the operation of the curfew:

A.) When accompanied by a parent, legal guardian, or other responsible person who is eighteen years or older and approved by the minor's parent or legal guardian.

B.) When the minor is legally employed and while going directly between his/her home and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in the course of his/her employment.

C.) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either adjacent neighbor not communicating an objection to his or her presence.

D.) When the minor is returning home by a direct route from a school, religious, or voluntary association activity, place of public entertainment such as a movie, play, concert, amusement

park, or sporting event.

E.) When the event is preplanned or spontaneous, and parental or legal guardian consent is given to attend, which includes traveling to and from the designated location.

F.) When the event is commercial in nature and the Police Department is advised 24 hours in advance, informing it of the time such event is scheduled to begin, the location at which the event will be held, the time at which the event will end, and the name of the sponsoring organization.

G.) When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel and clearly exempts bona fide interstate movement through the City.

POLICE PROCEDURES

A police officer who has probable cause to believe that a minor is in violation of this chapter, shall take such minor into custody and to the Police Department where the minor's parent or guardian shall be immediately contacted. If, after contact with the parent or guardian, there is still probable cause to believe that the minor was in violation of this chapter, the minor shall be held until the parent or guardian arrives, at which time the minor shall be released to the custody of such parent or guardian.

Any repeated violation of this chapter will result in the minor being referred to the Lorain County Juvenile Court.

PENALTY

Any parent or guardian of a minor who has violated this chapter is guilty of a minor misdemeanor on the second violation; is guilty of a fourth-degree misdemeanor after the second or repeated violation of this chapter.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, to wit:

"to establish a curfew in the City of Oberlin, Ohio, prior to the onset of the hot summer months"

and shall take effect immediately upon passage.

ORDINANCE NO. 91-31 AC CMS

3

PASSED: 1st Reading - May 20, 1991
2nd Reading - June 3, 1991 (Amended)
3rd Reading - June 17, 1991 (Amended)

ATTEST:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: June 19, 1991

EFFECTIVE DATE: July 17, 1991