

**RESOLUTION NO. 42-2001**

**RESOLUTION ENACTING A CURFEW FOR MINORS IN HARRISON TOWNSHIP**

**WHEREAS**, Section 505.89 of the Ohio Revised Code allows townships to adopt a resolution enacting a curfew; and

**WHEREAS**, a committee was formed to study the applicability of a curfew, juvenile crime data in the Township, surrounding communities existing curfews, the role of law enforcement, and cooperation with local social service agencies and schools; and

**WHEREAS**, upon review of the above items and public hearings the committee unanimously recommends that the Harrison Township Board of Trustees of enact a curfew for minors.

**WHEREAS**, it is necessary to enact a curfew for minors to aide in the prevention of crime in Harrison Township.

**NOW, THEREFORE BE IT RESOLVED** that the Harrison Township Board of Trustees hereby adopt the following curfew regulation as necessary for Harrison Township, Montgomery County, Ohio.

**SECTION 1 DEFINITIONS**

For the purposes of this resolution the following terms, phrases, words and their derivations shall have the meaning given herein.

1. "Township" means Harrison Township, Montgomery County.
2. "Minor" means any person who has not yet reached his or her eighteenth birthday.
3. "Parent" means any person having legal custody of a minor:
  - a. as natural or adoptive parent
  - b. as legal guardian; or
  - c. as a person to whom legal custody has been given by order of the court
4. "Public Place" means any street, alley, highway, sidewalk, park, playground, or place to which the general public has access, and a right to resort for business, entertainment or other lawful purpose. A public place shall include, but is not limited to, any store, shop, restaurant, tavern, bowling alley, café, theater, drug store, pool room, shopping center, and any other place devoted to amusement and entertainment of the general public.
5. Times referred to herein shall be based upon the prevailing standard of time, whether Eastern Standard or Eastern Daylight Saving, generally observed at that hour by the public in the Township.

**SECTION 2 CURFEW FOR MINORS**

1. No minor under the age of fourteen years shall be upon public streets, sidewalks, rights-of-way, highways, roads, alleys, parks, playgrounds, or other public places and public buildings, vacant lots, public places or other unsupervised places within the Township, between the hours of 11:00 p.m. and 5:00 a.m. any day of the week.
2. No minor between the age of fourteen and seventeen years shall be upon public streets, sidewalks, rights-of-way, highways, roads, alleys, parks, playgrounds, or other public places and public buildings, vacant lots, public places or other unsupervised places within the Township, between the hours of 12:00 a.m. and 5:00 a.m. any day of the week.

**SECTION 3 CURFEW EXCEPTIONS**

1. This Resolution does not apply to any minor who is:
  - a. accompanied by his parent, guardian or custodian;
  - b. accompanied by an adult specified by his parent, guardian or custodian;
  - c. carrying out an errand or other lawful activity as directed by his parent, guardian or custodian;
  - d. participating in, going to, or returning from:
    1. lawful employment; or
    2. lawful athletic, educational, entertainment, religious or social event.

**SECTION 4 PARENTAL RESPONSIBILITY**

1. No parent having the lawful care, custody or control of a minor shall knowingly permit or allow such minor to be or remain upon any street or public place in violation of this Resolution. "Knowingly" includes knowledge in which parents should reasonably be expected to have concerning the whereabouts of a minor in that parent's custody or control. It shall be no defense that a parent was completely ignorant or indifferent to the activities or whereabouts of such minor.

**SECTION 5 PROCEDURE**

1. Any Deputy upon finding a minor in violation of Section 2 shall ascertain the name and address of minor and shall warn the minor that he is in violation of the curfew resolution and direct the minor to proceed at once to his home. If the minor refuses to heed the warning of the Deputy or minor has been warned on a previous occasion, he shall be sited under Section 2 and escorted home or to the Intervention Center if no parent or legal guardian is available to take charge of the minor.

**SECTION 6 PENALTY**

1. Any minor violating the provision of this Resolution shall be dealt with in accordance with the juvenile court law and procedure and Section 505.89 (B).

**HARRISON TOWNSHIP  
BOARD OF TRUSTEES**

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**Alan F. Pippenger, President**

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**George W. Curry, Vice President**

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**Roland Winburn, Trustee**

I hereby certify that the Harrison Township Board of Trustees adopted **Resolution No. 42-2001** at their meeting on **April 2, 2001**.

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Linda Pickard, Clerk