

AN ORDINANCE OF THE CITY OF VILLA HILLS, IN KENTON COUNTY, KENTUCKY ADDING A NEW CHAPTER TO TITLE XIII OF THE CITY OF VILLA HILLS CODE OF ORDINANCES TO SET A CURFEW FOR MINORS.

WHEREAS, recently the City has experienced incidents of juvenile mischief and possible criminal activity; and

WHEREAS, the City Council is concerned that if this activity remains unchecked that juveniles could become involved in a wide range of unacceptable behavior, and more serious criminal conduct other than vandalism and mischief; and

WHEREAS, persons under the age of eighteen (18) are particularly susceptible by their lack of maturity and experience to participate in unlawful activities and to become victims of older perpetrators of crime, many of whom may target juveniles who are out in the community in the late evening and early morning hours ; and

WHEREAS, the City has an obligation, under its police powers, to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities; and

WHEREAS, a curfew for those under the age of eighteen (18) is in the interest of the public health, safety, and general welfare of the public, and will help attain the foregoing objectives, and help diminish the undesirable impact of vandalism, mischief, and generally illegal and unsafe behavior by and towards juveniles

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VILLA HILLS, KENTON COUNTY, KENTUCKY.

SECTION I

A new chapter of Title XIII of the City of Villa Hills Code of Ordinances is adopted as follows:

Chapter 131 Curfew for Minors

131.01 DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLOW. To either permit, or neglect to refrain or prevent. It requires actual or constructive knowledge on the part of the parent or guardian; that is, the parent or guardian must actually know about the child violating this chapter, or the circumstances must be such that a reasonably prudent parent or guardian should have known the child was violating the curfew.

EMERGENCY. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, without limitation, fires, floods, natural disasters, automobile accidents and any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT. Any privately owned place of business, which is operated for a profit, and to which the public is invited, including, without limitation, any place of amusement or entertainment.

GUARDIAN.

(1) Any person who is the guardian of the person of a minor, pursuant to a court order or judgment; or

(2) Any public or private agency with whom a minor has been placed by a court order.

MINOR. Any person under 18 years of age.

OPERATOR. Any individual, firm, association, partnership or corporation operating, managing, or conducting any establishment, including, without limitation, the members or partners of an association or partnership, and the officers of a corporation.

PARENT. Includes the natural parent, adoptive parent and step parent of a person under 18 years of age; and also any person at least 18 years of age who has been authorized and appointed by a parent or guardian to have the care, custody and control of a child or ward thereof under 18 years of age.

PUBLIC PLACE. Any place to which the public or a substantial group of the public has access, including, without limitation, streets, highways, parks, playgrounds and the common areas of schools, hospitals, apartment houses, churches, shopping facilities, office buildings and transportation facilities.

REMAIN.

(1) To linger, to stay behind, to be in, to tarry, or to stay unnecessarily upon or in any public place or establishment; or

(2) To fail to leave the premises when requested to do so by any peace officer, or the owner, tenant, operator of any other person in control of the premises.

SERIOUS BODILY INJURY. A 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.

131.03 OFFENSES.

(B) (1) It shall be unlawful for any person under the age of 18 to be or remain in or upon any public assembly, building, place, street or highway within the city at night during the following periods:

(a) The hours between 12:00 a.m. prevailing time and 6:00 a.m. prevailing time, on any Monday, Tuesday, Wednesday, Thursday and Friday; and

(b) The hours between 12:30 a.m., prevailing time, and 6:00 a.m., prevailing time, on any Saturday or Sunday.

(2) It shall be unlawful for any parent or guardian having legal custody of a minor to allow such minor to be or remain in or upon a public assembly, building, place, street or highway in the city under circumstances not constituting an exception as enumerated in division (C) below during the time periods contained in division (B)(1) above.

(C) In the following exceptional cases, a minor in or upon any public assembly, building, place, street or highway in the city during the nocturnal hours provided for in division (B) above shall not be considered in violation of this section:

(1) When the minor is accompanied by a parent or guardian;

(2) When accompanied by an adult authorized by a parent or guardian of the minor;

(3) When 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, provided that written notice signed by the minor and countersigned by a parent is in the possession of the minor specifying when, where and in what manner the minor will be exercising First Amendment rights;

(4) In case of reasonable necessity, including the carrying out an errand or other lawful activity as directed by his parent, guardian or custodian;

(5) When the minor is on the sidewalk of the place where the minor resides or on the sidewalk of either next-door neighbor who has not communicated an objection to a police officer or the Police Department;

(6) When returning home by a direct route from and within one hour of the termination of a school activity or any activity of a religious or other voluntary association, provided that justification indicating the place and time of termination of the event can be given to any investigating officer of the Police Department;

(7) Married or otherwise emancipated;

(8) When engaged in a business or occupation which the laws of the state authorize a person under 18 years of age to perform;

(9) When the minor is, with parental consent, in a motor vehicle with a lawfully authorized driver; and/or

(10) When the minor, who is a duly authorized and licensed driver, is operating a motor vehicle within the city for the purpose of passing through, by direct route, from one location to another either within or out of the city, including all minors that may also be within the vehicle;

(11) Involved in an emergency.

131.05 ENFORCEMENT.

(A) Before enforcing any provision of this chapter by a citation, arrest, or other custodial activity, the enforcing officer or officers shall inquire of the person suspected of being a minor as to the actual age of that person and his reason and purpose for remaining or otherwise being in a public place or establishment during the curfew hours.

(B) No enforcing officer shall enforce any provision of this chapter by any citation, arrest or other custodial activity unless the officer reasonably believes from the responses of the person suspected of being a minor or any other circumstances, that an offense and violation of this chapter has occurred, and that there are no defenses to the enforcement of this chapter as described herein.

(C) (1) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, location or business open to the public, sidewalk, street, highway or other public right-of-way reasonably believed to be in violation of this section, may cite the minor for a criminal violation. The police officer may then proceed to transport the child to the safety of the child's home, and/or to his or her parents or guardians.

(2) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, location or business open to the public, street, or highway whose parent is believed to be in violation of this section may confront such minor and request such information as his or her name, age, address of his or her parent or legal guardian.

131.06 APPEALS

(A) Appeals of citations issued for violations of section 131.03 shall be made in writing to the Mayor within thirty (30) days of the date of the citation. The Mayor shall within ten (10) business days set a hearing before a review board consisting of the Mayor, the City Administrator/Clerk, and Chief of Police. The board shall meet within thirty (30) days of the date of the appeal unless additional time is granted by mutual agreement of the parties involved. Decisions by the board may be appealed to Kenton District Court.

(B) If no appeal is filed within 30 days of the date of violation, the citation and any fine shall be deemed final.

131.99 PENALTY.

(A) Violation by a minor of the provisions of § 131.03 shall constitute a civil violation, and the minor shall be subject to a fine of not more than \$250.

Memo

To: Mayor Callery
From: Chief Allen
cc: Craig Bohman
Date: July 26, 2016
Re: Juvenile stats

After reviewing the call information for Villa Hills from January 1, 2016 to July 26, 2016 the following numbers for juvenile incidents are as follows.

- Criminal Mischief – 11 of the 16 calls juvenile
- Theft- 1 of the 10 total calls juvenile or suspected juvenile
- Burglary- 1 of 10 total calls juvenile or suspected juvenile
- Drugs- 1 of 5 total calls juvenile or suspected juveniles
- Loud disorderly subjects- 2 of 4 total calls juveniles
- TBUT from Vehicle – 4 of 10 total calls juvenile or suspected juveniles
- Juvenile trouble – 4 of the 19 total calls happened after 10pm

There have been a few calls that have not been reported or picked up in the system. Also note that the bridge on Rogers road has been Graffiti on in since the start of summer.

(B) Any parent or guardian that knowingly allows a minor to violate § 131.03 shall constitute a civil violation, and the parent or guardian shall be subject to a fine of not more than \$250.

SECTION II

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

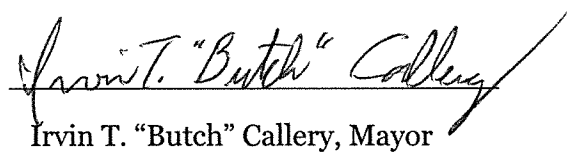
SECTION III

This Ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to law.

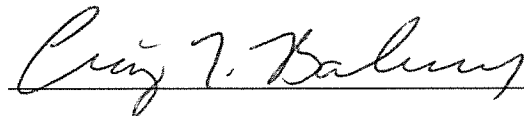
Passed by the City Council this 17th day of August, 2016.

City of Villa Hills, Kentucky

A Municipal Corporation of the Home Rule Class


Irvin T. "Butch" Callery, Mayor

ATTEST:



Craig T. Bohman, City Administrator/Clerk

Sponsor: Koenig

First Reading: July 20, 2016

Second Reading: August 17, 2016

Ayes: 6 Nays: 0 Abstentions: n/a Absent: n/a Published: 9-1-16