

Sec. 9.5-123. - Curfew established; offenses and violations.

A curfew applicable to juveniles or minors is established and shall be enforced as follows:

- (1) Time limits for minors. It is unlawful for any minor under the age of 18 years to be or remain upon any establishment or public place in the county between 1:00 a.m. and 5:00 a.m. on Saturday, or between 1:00 a.m. and 5:00 a.m. on Sunday, or between the hours of midnight (12:00 a.m.) and 5:00 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.
- (2) Time limits under 16. It is unlawful for any juvenile under the age of 16 years to be or remain upon any establishment or public place in the county between 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday and 6:00 a.m. of the following day.
- (3) Out-of-school suspensions time limit. It is unlawful for any juvenile or minor who has been suspended from school or has failed to attend school for any reason during regular school hours, who is not in the company of a parent or guardian, to be or remain upon any establishment or public place in the county between the hours of 7:30 a.m. and 4:30 p.m. on any school day.
- (4) A parent or guardian of a juvenile or minor commits an offense if he knowingly permits, or by insufficient control allows, the juvenile or minor to remain in any public place or on the premises of any establishment within the county during the restricted hours. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile or minor in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile or minor.
- (5) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a juvenile or minor to remain upon the premises of the establishment during the restricted hours. The term "knowingly" includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment. The standard for "knowingly" shall be applied through an objective test: whether a reasonable person in the operator's or employee's position should have known that the patron was a juvenile or minor in violation of this article.
- (6) It shall be a violation of this article for any person 16 years of age or older to aid or abet a juvenile in the violation of subsection (2).
- (7) It shall be a violation of this article for a parent or guardian to refuse to take custody during the restricted hours of a juvenile or minor for whom the parent or guardian is responsible.

*(Ord. of 4-21-97, § 1(c); Ord. of 6-23-98, § 1(c))*