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Board of Trustees:
David Linnenberg
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Fiscal Officer:
Tom Straus

RESOLUTION #14-0811- I

**RESOLUTION DECLARING A CURFEW IN GREEN TOWNSHIP FOR PERSONS
UNDER EIGHTEEN YEARS OF AGE**

BY THE BOARD:

WHEREAS, Ohio Revised Code Section 505.89 authorizes a Board of Township Trustees to adopt a curfew for persons under eighteen years of age in any of the unincorporated areas of the township upon a finding of necessity therefor; and

WHEREAS, a regular meeting of the Board was conducted on July 28, 2014 and on August 11, 2014 to consider such a curfew; and

WHEREAS, based upon the recommendation of the Green Township Police Department, and the fact that other townships and municipalities adjoining Green Township have enacted curfew restrictions which may cause minors from those adjacent communities to take refuge in Green Township, and based upon the need to protect minors from becoming victims as well as perpetrators of crimes during nighttime hours, the Board finds that a curfew is necessary for the preservation of the health, safety and property of the citizens of Green Township;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Green Township that:

Pursuant to Section 505.89 of the Ohio Revised Code there is hereby established within all of Green Township a curfew for persons under eighteen years of age with the following definitions and provisions:

1. Definitions.

A. CURFEW HOURS mean:

- (1). From 12:30 a.m. until 5:00 a.m. for minors who are at least 16 years of age.
- (2). From 11:30 p.m. until 5:00 a.m. the following day for minors who are under the age of 16 years.

(3). From 9:00 a.m. until 2:00 p.m., Monday through Friday, between September 1 through May 31 while school is in session at any public or private school or alternative program in which the minor is enrolled or was last enrolled if suspended or expelled at the time in question.

B. EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

C. EMPLOYMENT ACTIVITY means any bona fide service performed for wage or salary under contract for hire, whether written, expressed or implied, or an approved work study program.

D. ESTABLISHMENT means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment, and any church or other religious establishment.

E. GUARDIAN means a person who under court order is the guardian of the person of a minor, or a public or private agency with whom a minor has been placed by a court.

F. MINOR means any person under the age of 18 years who is not married or otherwise emancipated.

G. PARENT means:

(1). A person who is a biological parent, adoptive parent, or step-parent or guardian entrusted with the care and custody of a minor.

(2). A person, at least 21 years of age, who is authorized by a parent or guardian to have the care of and responsibility for a minor prior to any act which is prohibited by this Resolution.

H. PUBLIC PLACE means any place which is open to the public and includes, but is not limited to, streets, highways, sidewalks, parks, public buildings, common areas of schools, hospitals, apartment houses, office buildings, transport facilities, shops, stores and restaurants.

I. REMAINS means to: (1) be present, linger, or stay at, or (2) fail to leave the premises of, any establishment or public place when requested to do so by a police officer or the owner, operator, or other person in control of the establishment or public place.

2. Offenses.

A. A minor violates the curfew adopted herein if he or she remains in any public place or on the premises of any establishment within Green Township during curfew hours as defined herein.

B. A minor violates the curfew adopted herein if he or she remains in any public place or on the premises of any establishment within Green Township at any time when that minor is required to be in attendance at an elementary or secondary school.

3. Defenses.

A. The following activities are excepted from the curfew restrictions:

- (1). When the minor is accompanied by the minor's parent or guardian;
- (2). When the minor is engaged in an employment activity, or going to or returning home from any employment activity without any detour or stop;
- (3). When the minor is involved in an emergency situation which commenced prior to curfew hours, or which arose in the minor's dwelling place after curfew hours had commenced;
- (4). When the minor is attending an activity organized and supervised by adults and sponsored by Green Township, another political subdivision, school district, civic organization, or other similar organization that takes responsibility for the minor, or attending an official school or religious activity or service;
- (5). When the minor is going to or coming from, without any detour or stop, those activities identified in Section (4) above;
- (6). When the minor is exercising any right protected by the United States Constitution or the Constitution of the State of Ohio.

B. The following activities are excepted from the 8:00 a.m. to 3:00 p.m. school day curfew restrictions:

- (1). When the minor is not required to attend school because school is not in session or the date and time in question.
- (2). When the minor is participating in a school district approved home schooling program.
- (3). When the minor is participating in an authorized school function.

4. Enforcement. Before taking any enforcement action under this Resolution, a police officer shall ask the apparent offender's age and reason for being in the public place or establishment. The officer shall not issue a citation or make an arrest under this Resolution unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exceptions as set out above exist.

5. Penalty. Any minor found violating any provision of this Resolution shall be charged as being an unruly child and taken before juvenile court as provided in Chapter 2151 of the Revised Code.

6. Severability. If any portion of the provisions of this Resolution is for any reason declared by a court of competent jurisdiction to be invalid or unconstitutional, such provision shall be deemed separate, distinct and independent of other provisions, so that such a court declaration shall not affect the validity of the remaining provisions of this Resolution.

7. Effective Date. This Resolution shall be effective at 12:01 a.m. on August 12, 2014.

8. Compliance with Open Meetings Law. It is hereby determined that all actions and deliberations of the Green Township Board of Trustees concerning and relating to the within Resolution were taken in open meetings of the Board, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

ADOPTED AT A REGULAR MEETING of the Board of Township Trustees of Green Township, Hamilton County, Ohio the 11th day of August, 2014.

Mr. Callos yes

Mr. Linnenberg yes

Mr. Rosiello yes

CERTIFICATE OF FISCAL OFFICER

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcription of a Resolution adopted by the Board of Trustees in session this 11th day of August, 2014.

Th. J. Straus

Thomas J. Straus
Green Township Fiscal Officer
Hamilton County, Ohio