

**ORDINANCE NO. 99-8-2**  
**AN ORDINANCE ESTABLISHING RESPONSIBILITY UPON**  
**PARENTS, GUARDIANS OR PERSONS HAVING LEGAL**  
**CUSTODY OF MINORS WHO VIOLATE THE CURFEW FOR**  
**MINORS LAW AND IMPOSING A PENALTY FOR THE**  
**VIOLATION THEROF.**

BE IT ORDAINED by the City Commission for the City of Crab Orchard, Kentucky as follows:

SECTION 1: That the City of Crab Orchard, Kentucky (hereinafter the “City”), hereby amends its existing Ordinances to establish responsibility upon parents and guardians of minors who violate the “Curfew for Minors Law” and imposing penalty for the violation thereof as follows:

GENERAL OFFENSES

OFFENSES AGAINST PUBLIC PLACE

1. CURFEW FOR MINORS

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

(1) “Minor”. Any person under the age of 18, or, as may be otherwise phrased, any person of the age of 17 or under.

(2) “Parent”. Any person having legal custody of a minor:

(a) As a natural or adoptive parent;

(b) As a legal guardian;

(c) As a person whom legal custody has been given by Order of the Court.

(3) “Remain”. To stay behind, to tarry, or to stay unnecessarily upon or in any public assembly, building, street or highway.

(4) “Allow”. Either permit or neglect to 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 section, or the circumstances must be such that a reasonably

prudent parent or guardian should have known the child was this section.

(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:

1:00 a.m. to 6:00 a.m. Saturday

1:00 a.m. to 6:00 a.m. Sunday

11:00 p.m. Sunday to 6:00 a.m. Monday

11:00 p.m. Monday to 6:00 a.m. Tuesday

11:00 p.m. Tuesday to 6:00 a.m. Wednesday

11:00 p.m. Wednesday to 6:00 a.m. Thursday

11:00 p.m. Thursday to 6:00 a.m. Friday

(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 upon a public assembly, building, place, street, or highway in the City under circumstances not constituting an exception as enumerated in subsection (c) during the time periods contained in subsection (1) of this paragraph (B).

(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 subsection (B) 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 such 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 such minor specifying when, where and in what manner said minor will be exercising such First Amendment rights:
- (4) In case of reasonable necessity but only after such minor's parent has communicated to the Police Department the facts establishing such reasonable necessity;
- (5) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of any 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 religious activity, provided that justification indicating the place and time of termination of said event can be given to any investigating officer of the police department;
- (7) When authorized by regulation issued by the Mayor in the case of reasonable necessity involving more minors than may reasonably be dealt with on an individual basis. Such regulation should be issued sufficiently in advance to permit publicity through news media and through other agencies such as the school. The regulation shall define the activity, the scope of the use of the public assembly, building, place, street or highway permitted, and the period of time involved not to extend more than one hour beyond the time for termination of the activity, and the reason for finding that such regulation is reasonably necessary. The Mayor shall notify the police department of said information;

- (8) When engaged in a business or occupation which laws of Kentucky authorize a person under 18 years of age to perform;
- (9) 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.

- (D) (1) A police officer upon finding or being notified of any minor in or upon public assembly, building, place, street or highway whose parent is believed to be in violation of this section may stop and question such minor and request such information as his or her name and age and the name and address of his or her parents, guardian or person having legal custody.
- (2) If the police officer determines or has reasonable cause to believe that a curfew violation has occurred, the police officer may obtain from the minor the information necessary to issue a citation to the minor's parents, guardian or person having legal custody and then either take the minor to his or her home or direct the minor to proceed immediately to his or her home.

## 2. PENALTY

- (A) Any parent, guardian or person having legal custody allowing a minor to violate section B(1) shall be subject to a fine of no more than \$500.00 or imprisonment for a period not to exceed six (6) months or both;

SECTION 2: This Ordinance shall be effective upon its adoption and publication.

SECTION3: The efficiency of this Ordinance shall be reviewed six months from its effective date. This review shall include, but not limited to, enforcement and Court experience.

DATE OF FIRST READING	8/5/99
DATE OF SECOND READING	9/2/99
DATE EFFECTIVE	9/2/99

CITY OF CRAB ORCHARD, KENTUCKY

*Phillip Shelton*  
PHILLIP SHELTON, MAYOR

Attest:

*Cheri Kuhn*  
City Clerk