

CITY OF LEBANON JUNCTION, KENTUCKY

ORDINANCE NO. 18- 02

**AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS WITHIN THE CITY LIMITS AND ESTABLISHING RESPONSIBILITY UPON PERSONS HAVING LEGAL CUSTODY OF MINORS WHO VIOLATE THE CURFEW AND IMPOSING A PENALTY FOR THE VIOLATION THEREOF.**

BE IT ORDAINED BY THE CITY OF LEBANON JUNCTION, KENTUCKY AS FOLLOWS:

**SECTION I.** Ordinance No. 95-10 is hereby repealed in its entirety.

**SECTION II. DEFINITIONS.** For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- A. **“Minor”**. Any person under eighteen (18) years of age.
- B. **“Person having legal custody”**. Any person having legal custody of a minor:
  - (1) As a natural or adoptive parent;
  - (2) As a legal guardian;
  - (3) As a person who stands “in loco parentis”; or,
  - (4) A person who has legal custody by Order of a Court.
- C. **“Remain”**. To stay behind, to tarry, or to stay unnecessarily upon or in any public place.
- D. **“Allow”**. Either permit or neglect to prevent. It requires actual or constructive knowledge on the part of the person having legal custody, that is, the person having legal custody must actually know about the minor violating this Ordinance, or the circumstances must be such that a reasonably prudent parent or guardian should have known the minor was violating this Ordinance.

E. **“Public place”**. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, roads, sidewalks, rights of way, schools, shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops, bowling alleys, taverns, cafes, arcades, and similar areas that are open to the use of the public.

**SECTION III. CURFEW.** The City of Lebanon Junction hereby establishes the following curfew for minors within the city limits and establishes responsibility upon persons having legal custody of minors who violate this curfew.

A. It shall be unlawful for any minor to be in any public place within the City during the following periods:

11:00 p.m. Friday to 5:00 a.m. Saturday  
11:00 p.m. Saturday to 5:00 a.m. Sunday  
10:00 p.m. Sunday to 5:00 a.m. Monday  
10:00 p.m. Monday to 5:00 a.m. Tuesday  
10:00 p.m. Tuesday to 5:00 a.m. Wednesday  
10:00 p.m. Wednesday to 5:00 a.m. Thursday  
10:00 p.m. Thursday to 5:00 a.m. Friday

B. It shall be unlawful for any minor to be in any park within the City from 30 minutes after sunset to 30 minutes after sunrise.

C. It shall be unlawful for any person having legal custody of a minor to allow such minor to be in or upon a public place in the city under circumstances not constituting an exception as enumerated in Subsection D during the time periods prohibited in Subsection A of this Section.

D. In the following exceptional cases a minor in or upon any public place in the city during the hours prohibited in Subsection A shall not be considered in violation of Section IIIA:

- (1) When the minor is accompanied by a person having legal custody of the minor;
- (2) When accompanied by an adult as authorized in writing by a person having legal custody of the minor, when such written authorization is signed by the person having legal custody of the minor and in the possession of the authorized adult;

- (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 also by a person having legal custody of the minor 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 person having legal custody has communicated to the Lebanon Junction 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 either next-door neighbor who has not communicated an objection to a police officer of the Lebanon Junction Police Department;
- (6) When returning home by a direct route, without any unnecessary detour or stop, from and within one hour of the termination of a school activity or an activity of a religious or other voluntary association, provided that justification indicating the place and time of termination of said event is given to any investigating officer of the Lebanon Junction Police Department;
- (7) When engaged in a business or occupation which the laws of Kentucky authorize a person under eighteen (18) years of age to perform;

E. In the following exceptional cases a minor in a park in the city during the hours prohibited in Subsection B shall not be considered in violation of Section:III B.

- (1) When the minor is accompanied by the minor's person having legal custody;
- (2) When accompanied by an adult as authorized in writing by a person having legal custody of the minor, when such written authorization is signed by the person having legal custody and in the possession of the authorized adult;

- (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 also by a person having legal custody of the minor 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 person having legal custody has communicated to the Lebanon Junction Police Department the facts establishing such reasonable necessity;
- (5) While attending a city government function;
- (6) While attending an event for which a city permit has been issued;
- (7) When engaged in a business or occupation which the laws of Kentucky authorize a person under eighteen (18) years of age to perform;

F. A police officer upon finding or being notified of any minor in or upon any public place whose parent is believed to be in violation of this Ordinance 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 person having legal custody of the minor.

G. If a police officer determines or has reasonable cause or believe that a curfew violation under this Section has occurred, the police officer may obtain from the minor the information necessary to issue a citation to the minor's person having legal custody and then either take the minor to the home of the minor's person having legal custody or direct the minor to proceed immediately to the home of the minor's person having legal custody.

**SECTION IV. PENALTY.** Any person having legal custody of a minor allowing the minor to violate this Ordinance shall be subject to a fine of not more than \$250.00. Nothing in this Section or Ordinance shall preclude any law enforcement officer or agency or child protective agency from charging the person having legal custody of a minor with KRS 530.060 Endangering the Welfare of Minor or any other crime.

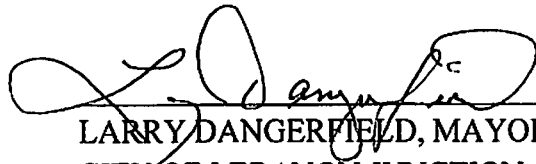
**SECTION V. SEVERANCE CLAUSE.** If any provision, paragraph, word, section, or subsection of this Ordinance is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and subsections shall not be affected and shall continue in full force and effect.

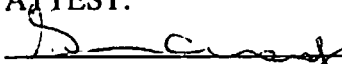
**SECTION VI. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

INTRODUCED AN GIVEN FIRST READING at the duly convened meeting of the City Council of Lebanon Junction, Kentucky, held on the 2<sup>nd</sup> day of April, 2018.

GIVEN SECOND READING AND ADOPTED at the duly convened meeting of the City Council of Lebanon Junction, Kentucky held on the 7<sup>th</sup> day of May, 2018.

Votes for 5, Votes against     , Abstentions     .

  
\_\_\_\_\_  
LARRY DANGERFIELD, MAYOR  
CITY OF LEBANON JUNCTION

ATTEST:  
  
\_\_\_\_\_  
SUSAN CRADY, CLERK  
CITY OF LEBANON JUNCTION