

**CITY OF RUSSELLVILLE, KENTUCKY**  
**ORDINANCE NO. 95- 13**

AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS  
LAW AND 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 THEREOF,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE,  
KENTUCKY, AS FOLLOWS:

Section 1:

That the City of Russellville, Kentucky, hereby adopts the following ordinance to establish a curfew for minors and to further establish responsibility upon parents, guardians, or persons having legal custody of minors who violate the "curfew for minors" law in imposing a penalty for violation thereof as follows:

GENERAL OFFENSES

OFFENSES AGAINST PUBLIC PEACE

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 16, or, as may be otherwise phrased, any person of the age of 15 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 who stands "in loco parentis."
    - d. Or as a person whom legal custody has been given by Order of Court.
  3. "REMAIN" To stay behind, to tarry, or to stay unnecessarily upon or in any public assembly, building, place, 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 reasonable prudent parent or guardian should have known the child was violating this section.
- B.
1. It shall be unlawful for any person under the age of 16 to be, or remain in or upon any public assembly, building, place, street or highway within the city at night during the following periods:  
12:00 midnight to 6:00 a.m. Saturday  
12:00 midnight 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 or 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 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.
  3. In case of reasonable necessity but only after such minor's parent has communicated to the Police Department the facts establishing such reasonable necessity.
  4. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk or either next-door neighbor who has not communicated an objection to a police officer or the police department.
  5. 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 said event can be given to any investigating officer of the police department.

6. When authorized by regulation issued by the Mayor in cases of reasonable necessity involving more minors that may reasonably be dealt with on an individual basis. Such regulation should be issued sufficiently in advance to permit publicity through new media and through other agencies such as the schools. 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 reasonable necessary. The Mayor shall notify the police department of said information.
  7. When engaged in a business or occupation which the laws of Kentucky authorize a person under 16 years of age to perform.
  8. 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 any 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 parent, 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 minor's parent, 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 or take the minor to a temporary facility as permitted by law.

## 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 not more than \$500.00 or imprisonment for a period not to exceed six months or both.

SECTION II

1. In the event any provision of this Ordinance is invalid for any reason, such invalidity shall not affect the validity of any other provision.
2. All portions of any section of any ordinance or rule or regulation in conflict herewith are hereby repealed to the extent of that conflict only.
3. This Ordinance shall be effective upon its passage and publication according to law.

FIRST READING CONDUCTED on August 8, 1995.

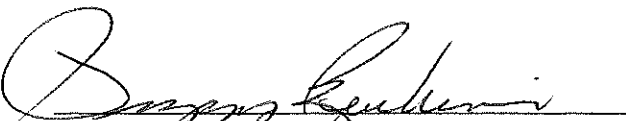
SECOND READING AND PASSAGE by roll call vote this 22 day of August, 1995.

| AYES                   | NAYS        | ABSTAINING  | ABSENT               |
|------------------------|-------------|-------------|----------------------|
| <u>Willie Hampton</u>  | <u>None</u> | <u>None</u> | <u>Michael Baugh</u> |
| <u>Patricia Basham</u> | _____       | _____       | _____                |
| <u>Howard Wren</u>     | _____       | _____       | _____                |
| <u>Russell Jones</u>   | _____       | _____       | _____                |
| <u>Jean Hankins</u>    | _____       | _____       | _____                |
| _____                  | _____       | _____       | _____                |



KEN SMITH, MAYOR

ATTEST:



PEGGY JENKINS, CITY CLERK

**SECTION II:**

1. In the event any provision of this Ordinance is invalid for any reason, such invalidity shall not affect the validity of any other provision.
2. All portions of any section of any ordinance or rule or regulation in conflict herewith are hereby repealed to the extent of that conflict only.
3. This Ordinance shall be effective upon its passage and publication according to law.

FIRST READING CONDUCTED on <sup>Aug 8</sup> ~~June 20~~, 1995.

SECOND READING AND PASSAGE by roll call vote this <sup>22 Aug</sup> \_\_\_\_\_ day of ~~July~~, 1995.

| AYES: | NAYS: | ABSTAINING | ABSENT |
|-------|-------|------------|--------|
| _____ | _____ | _____      | _____  |
| _____ | _____ | _____      | _____  |
| _____ | _____ | _____      | _____  |
| _____ | _____ | _____      | _____  |
| _____ | _____ | _____      | _____  |

\_\_\_\_\_  
KEN SMITH, MAYOR

ATTEST:

\_\_\_\_\_  
PEGGY JENKINS, CITY CLERK