

**VILLAGE OF HARTVILLE
STARK COUNTY, OHIO
ORDINANCE NO. 1-10.26**

ORDINANCE NO. 1-10.26, establishing and creating a curfew in the Village of Hartville, as to minors, and declaring the same to be an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE,
STARK COUNTY, OHIO**

Section 1: Findings and Determinations. This Council finds and determines the following matters:

- a. For the public health, safety and welfare of the Village and its inhabitants, the Village desires to establish a curfew as it relates to activities of minors in the Village during certain periods of time, and under certain conditions.
- b. All formal actions of this Council relating to the enactment of this Ordinance were taken in an open meeting of this Council and all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Section 121.22, Ohio Revised Code.

Section 2. Curfew For Minors: No minor shall loiter, idle, wander, stroll or play, or be in or on any vehicle, in or upon any public place within the Village between the hours of 11:00 p.m. and 6:00 a.m., Sunday night through Thursday night, and between the hours of 12:00 a.m. and 6:00 a.m., Friday night through Saturday night ("Curfew Hours"); provided, however, that the provisions of this Ordinance shall not apply to the following:

- a. To a minor accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor;
- b. To a minor who is on an emergency errand or specific business or activity directed or permitted by said minor's parent, guardian or other adult person having the care and custody of the minor;
- c. To a minor whose presence is connected with or required by some legitimate employment, trade, profession or occupation;
- d. To a minor attending or returning, within one hour after the conclusion thereof, from any scheduled activity by the Lake Board of Education such as football or basketball games, or from any other special function scheduled by any other church, school or organization, provided that the church, school or organization shall register the event in advance with the Chief of Police or his/her designee, who shall require such information as is necessary to implement the provisions of this Ordinance;

- e. To a minor exercising First Amendment or other rights protected by the constitutions of the United States of America or the State of Ohio, such as the free exercise of religion, freedom of speech, or the right to peacefully assemble.

Section 3. Definitions.

- a. For purposes of this Ordinance, public place (“Public Place”) shall include but not be limited to: streets, sidewalks, alleys, roads, highways, drives, lanes, parking lots, plazas, shopping centers, shops, businesses, parks, schools, or businesses within the Village. However, a public place shall not include the sidewalk abutting the minor’s home or residence, provided no public disturbance is created.
- b. For purposes of this Ordinance, a parent, guardian, or adult person having custody or control of a minor, shall include the minor’s natural or adoptive parents, legal guardian, or other adult person acting *in loco parentis* of a minor child.
- c. For purposes of this Ordinance, a business operator (“Business Operator”) shall include the owner, operator, or employee of a premises identified as a Public Place.
- d. For purposes of this Ordinance, a person acts knowingly, regardless of his purpose, when he is aware that his conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when he is aware that such circumstances probably exist.

Section 4. Responsibilities of Parents/Guardians. No parent, guardian, or adult person having custody or control of a minor, shall knowingly allow a minor to remain in or upon a public place during Curfew Hours, except as otherwise excluded above.

Section 5. Responsibilities of Business Operators. No Business Operator shall knowingly permit a minor to remain in or upon the premises of the Business Operator during Curfew Hours, except as otherwise excluded above.

Section 6. Penalties. Whoever violates this Ordinance is guilty of a minor misdemeanor for a first offense. Whoever violates a provision of this Ordinance, and who has been previously convicted on a violation of this Ordinance, is guilty of a fourth degree misdemeanor.

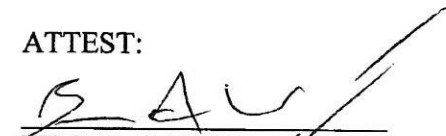
Section 7: Statement of Emergency. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village, and for the further reason that the immediate effectiveness of this Ordinance is necessary to secure, protect, and preserve the interests of the Village and its inhabitants.

Section 8. Effective Date. Provided that this Ordinance receives the affirmative vote of two-thirds of the members elected or appointed to council, it will take effect and be in force immediately upon its passage; otherwise, it will take effect and be in full force at the earliest period allowed by law.

DATE: September 21, 2010


MAYOR

ATTEST:


FISCAL OFFICER

APPROVED AS TO FORM:

Ronald K. Starkey, Village Solicitor