Ordinance Regulating "Curfews for Minors" Law
Nelson County,
Kentucky

ORDINANCE NO. 95- KOC 1040.1
AN ORDINANCE ESTABLISHING RESPONSIBILITY UPON PARENTS, GUARDIANS, OR PERSONS HAVING LEGAL CUSTODY OF MINORS WHO VIOLATE THE "CURFEW FOR MINORS" LAW IN THE UNINCORPORATED AREAS OF NELSON COUNTY, KENTUCKY AND IMPOSING A PENALTY FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE FISCAL COURT OF NELSON COUNTY, KENTUCKY AS FOLLOWS:

SECTION I: That the County of Nelson hereby adopts an Ordinance establishing responsibility upon parents and guardians of minors who violate the "Curfew for Minors" law in the unincorporated areas of Nelson County and imposing a penalty for the 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 indicated or requires a different meaning.

(1) "Minor", means any person under the age of 18.

(2) "Parent", means any person having legal custody of a minor:
(a) as a natural or adoptive parent; or,
(b) as a legal guardian; or,
(c) as a person who stands "in place of parents"; or,
(d) as a person whom legal custody had been given by Order of Court, or by another person(s) entity with the authority to grant or transfer legal custody.

(3) As used herein "Nelson County, Kentucky," or "County" shall include those areas of Nelson county, Kentucky, located outside of the limits of any municipalities located therein.

(4) "Remain", means to stay behind, to tarry, or to stay unnecessarily at, upon or in any public assembly, building, place, street or highway.

(5) "Allow", means to either permit or neglect to prevent with actual or constructive knowledge. Knowledge will be presumed if the circumstances be such that a reasonably prudent parent should have known the child was violating this section.

(B)(1) It shall be unlawful for any person under the age of 18 to be or remain at, in or upon any public assembly, building, place, street, or highway within the County of Nelson 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 of a minor to allow such minor to be or remain at, in or upon a public assembly, building, place, street, or highway in the County 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 exception cases a minor found at, in or upon any public assembly, building, place, street, or highway in the County 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.

(2) When the minor is accompanied by an adult who has been authorized by a parent 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 minors parent has communicated to the Police Department in writing the facts establishing such reasonable necessity; if, in the judgment of the highest ranking police officer available at the time of a suspected violation of this ordinance, reasonable necessity is not established, a violation will be determined to have occurred.

(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 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 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 and verified by any investigating officer of the police department.

7) When engaged in a business or occupation which the laws of Kentucky authorize a person under 18 years of age to perform.

(8) When the minor is, with parental consent, in a motor vehicle with a lawfully authorized driver.

(9) When the minor, who is a duly authorized and licensed driver, is operating a motor vehicle within the County for the purpose of passing through, by direct route, from one location to another either within or out of the County, including all minors that may also be within the vehicle.

(D)(1) A police officer upon finding or being notified of any manor at, in or upon any public assembly, building, place, street, or highway 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 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 the minor's parent, and then either take the minor home or direct the minor to proceed immediately to his or her home.

2. PENALTY.

Any parent, guardian, or person having legal custody allowing a minor to violate section B (1) shall be, for the first offense, subject to a fine of no more than $100.00 and for the second and subsequent offenses shall be subject to a fine of no more than $500.00 or imprisonment for a period not to exceed six months or both.

SECTION II: That any ordinance or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION III: This Ordinance shall be in full force and effect upon its adoption, recordation, and publication as required by law.
Given first reading on the 21st day of March , 1995.
Given second reading and adopted on the 2nd day of May 1995. Effective July 1, 1995.

COUNTY OF NELSON

Signature
County Judge/Executive

ATTEST:

Signature

Nelson County Clerk