

AN ORDINANCE AMENDING SECTION 14-37 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT RELATING TO CURFEW FOR MINORS, AMENDING THE DEFINITIONS OF "MINOR", "REMAIN", AND "ALLOW"; AMENDING THE CURFEW TIME TO 12:00 A.M. FOR ALL DAYS ; AND DELETING EXCEPTIONS FOR REASONABLE NECESSITY, SIDEWALK ADJACENT TO RESIDENCE, INSIDE A MOTOR VEHICLE, AND HOMELESS YOUTH.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 14-37 of Chapter 14 of the Code of Ordinances

be and hereby is amended to read as follows:

- (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - (a) **Minor.** Any person under the age of eighteen (18) or as may be otherwise phrased, any person of the age of seventeen (17) and under.
 - (b) **Parent.** Any person having legal custody of a minor.
 - i. As a natural or adoptive parent; or
 - ii. As a legal guardian; or
 - iii. As a person who stands in loco parentis; or
 - iv. As a person whom legal custody has been given by order of court.
 - (c) **Remain.** To stay behind, tarry, linger, congregate, move about, wander, stroll, or stay unnecessarily.
 - (d) **Allow.** Either permit or neglect to prevent. It requires actual or constructive knowledge on the part of the parent, that is the parent must actually know about the minor is violating this section, or the circumstances must be such that reasonably prudent parent should have known the minor was violating this section.
- (2)
 - (a) It shall be unlawful for a minor to be or remain in or upon any public assembly, building, place, street, or highway within the county between times of 12:00 a.m. to 5:00 a.m.
 - (b) It shall be unlawful for any parent of a minor to allow such minor to be or remain in or upon a public assembly, building, place, street, or highway in the county under circumstances not constituting an exception as enumerated in subsection (3) during the time periods contained in subsection 2(a).
- (3) In the following exceptional cases a minor found in or upon any public assembly, building, place, street, or highway in the county during the time periods provided for in subsection 2(a) shall not be considered in violation of this section:
 - (a) When the minor is accompanied by their parent;
 - (b) When accompanied by an adult authorized by a parent of such minor;
 - (c) When exercising first amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right to 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;

- (d) When returning home, by a direct route from, and within one (1) hour of the termination of a school activity, or any 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 division of police;
 - (e) When authorized by regulation issued by the mayor in cases 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 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 (1) 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 division of police of said information;
 - (f) When engaged in a business or occupation which the law of Kentucky authorize a person under eighteen (18) years of age to perform;
 - (g) 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, including all minors within the vehicle;
 - (h) When the minor is married in accordance with the law or had disability of non-age removed by a court of competent jurisdiction.
- (4) (a) A police officer 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.
- (b) If the police officer determines or has reasonable cause to believe that a curfew violation has occurred; the police officers may obtain from the minor the information necessary to issue a citation to the minor's parent.
- (5) Any minor found in violation of this section shall be:
- (a) Taken to his or her home; or
 - (b) Directed to proceed immediately to his or her home; or
 - (c) Taken to a facility designated by the division of police.
- (6) Any parent of a minor allowing a minor to violate subsection 2 of this section shall be subject to a fine of no more than four hundred ninety-nine dollars (\$499.00).

Section 2 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
PUBLISHED:

131-17:MMM_X:\Cases\CO\16-CC0886\LEG\00567312.DOCX