

## CHAPTER 73.1

### CURFEW HOURS FOR MINORS

(amended, Ordinance No. 2012-06)

1. **DEFINITIONS.** As used in this Chapter, unless context otherwise requires, the following words or phrases shall mean:

"Curfew Hours":

(A) 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. on the following day; and;

(B) 12:01 A.M. until 6:00 A.M. on any Saturday or Sunday.

"Emergency": An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"Establishment": Any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

"Guardian":

(A) A person who, under court order, is the guardian of the person of a minor; or,

(B) A public or private agency with whom a minor has been placed by a court.

"Minor": Any person under 17 years of age.

Revised 2/12

## Chapter 73.1

"Operator": Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

"Parent": A person who is: (A) a natural parent, adoptive parent, or step-parent of another person; or,

(B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

"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, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

"Remain": To:

(A) linger or stay; or,

(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

"Serious Bodily Injury": Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

### **2. OFFENSES:**

(A) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

(B) A parent or guardian of a minor, or other person in custody or control of a minor, commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew

hours. In the event that a minor is charged with a violation of this Chapter within forty-five (45) days of the giving of the notice as required in paragraph 6 of this Chapter, there shall exist a rebuttable presumption that the minor's parent or guardian knowingly permitted or by insufficient control allowed the minor to remain in any public place or on the premises of any establishment during curfew hours.

(C) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

### 3. DEFENSES.

(A) It is a defense to prosecution under Section 2 that the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Decatur, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults

## Chapter 73.1

and sponsored by the City of Decatur, a civic organization, or another similar entity that takes responsibility for the minor;

(8) 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;  
or,

(9) Married or had been married or had disabilities of minority removed in accordance with 750 ILCS 30/1 et seq.

B. It is a defense to prosecution under Section 2 (C) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

4. **ENFORCEMENT.** Before taking any enforcement action under this chapter, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a Violation Notice and Complaint or make an arrest under this chapter unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in paragraph 3 is present.

(Amended, Ordinance No. 2011-77, October 31, 2011)

### 5. **VIOLATION NOTICE AND COMPLAINT.**

(A) Whenever a police officer witnesses or has knowledge, based on reasonable grounds, of a violation by any person of any section of this Chapter, said police officer may issue such person a Violation Notice and Complaint as set forth in Chapter 29 of this Code.

(Amended, Ordinance No. 2011-77, October 31, 2011)

(B) A person cited for a violation of any section of this Chapter as herein provided may terminate any further proceedings by the City due to said violation by making payment to the

City at the office of the City Treasurer. Payment will be considered as being made only when the City Treasurer is in receipt of the full amount. (Amended, Ordinance No. 2011-77)

6. **NOTICE.** In each instance where a Violation Notice and Complaint is issued to a Minor for violation of this Chapter, the minor's parent or guardian shall be issued a "Notice of Violation", notifying said parent or guardian of the charge made against the minor.

(Amended, Ordinance No. 2011-77, October 31, 2011)

7. **PENALTIES:**

(A) Any person who shall violate any of the provisions of this Chapter shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day on which a violation is committed, occurs or continues shall be considered a separate offense. (Amended, Ordinance No. 2011-77)

(B) In addition to any other penalty or punishment, for every second and subsequent offense committed by a minor, the minor's parent or guardian shall reimburse the City of Decatur for the reasonable cost of supervising a minor taken into custody pursuant to the provisions of this Chapter.

8. **SEVERABILITY.** If any provision of this Chapter, including any exception, part, phrase, or term, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and in this end the provisions of this Chapter are declared severable.