

BOARD OF TRUSTEES

PIERCE TOWNSHIP, CLERMONT COUNTY, OHIO

RESOLUTION 99-005

The Board of Trustees for Pierce Township, Ohio, met in regular session at 7:30 *p.m.*, on March 2, 1999, at the Pierce Township Hall, 950 Locust Corner Road, Cincinnati, Ohio 45245, with the following members present:

Mr. Hartman
Mr. Strosnider

Mr. HARTMAN moved for the adoption of the following resolution:

WHEREAS, on March 19, 1998, the Pierce Township Board of Trustees made the determination that a curfew was necessary to protect and to maintain the health, safety and welfare of Pierce Township; and

WHEREAS, on March 19, 1998, the Pierce Township Board of Trustees made the determination that a curfew was necessary to protect the personal and real property of the citizens of Pierce Township; and

WHEREAS, on March 19, 1998, the Pierce Township Board of Trustees unanimously passed Resolution 98-008 which imposed a curfew upon juveniles during certain hours of the day and night;

WHEREAS, the curfew imposed by Resolution 98-008 imposed a curfew that was to last for a one-year period; and

WHEREAS, the curfew imposed by Resolution 98-008 is schedule to expire on March 31, 1999; and

WHEREAS, the Pierce Township Board of Trustees has received reports and comments from the Police Department of Pierce Township and others that, since the imposition of the curfew, a noticeable decrease in hooliganism and other destructive acts by juveniles in Pierce Township has been noted; and

WHEREAS, the Police Department of Pierce Township recommends that a curfew remain in place and not be allow to expire; and

WHEREAS, the Pierce Township Board of Trustees believes that it is necessary and proper to continue the imposition of a curfew upon juveniles during certain hours of the day and night; and

WHEREAS, the Pierce Township Board of Trustees believes that the continuation of the curfew will continue to promote, among other things, the health, safety and welfare of Pierce Township, and will continue to protect the personal and real property of the citizens of Pierce Township; and

WHEREAS, the Pierce Township Board of Trustees has the authority pursuant to Section 505.89 of the Ohio Revised Code to adopt a curfew for persons under eighteen years of age;

Now therefore be it RESOLVED, that the Pierce Township Board of Trustees finds that it is necessary to continue the curfew adopted pursuant to Resolution 98-008 for the reasons stated therein and above, and the Pierce Township Board of Trustees does hereby adopt a curfew for persons under eighteen years of age in the unincorporated area of Pierce Township as follows:

SECTION I - REPEALMENT OF RESOLUTION 98-008

1. **Repealment of Existing Curfew.** Resolution 98-008 passed by the Pierce Township Board of Trustees on March 19, 1998, is hereby repealed. The repealment of Resolution 98-008 shall not be to the prejudice of any prosecution brought for violation of Resolution 98-008 and arising prior to the adoption of this Resolution.

SECTION II - DEFINITIONS

1. **CURFEW HOURS** means the hours between 12:01 a.m. and 5:00 a.m. on Friday nights and Saturday mornings and Saturday nights and Sunday mornings, and the hours between 11:00 p.m. and 5:00 a.m. on Sunday nights through Friday mornings.

2. **EMERGENCY** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

3. **ESTABLISHMENT** means 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, and any church or other religious establishment.

4. **GUARDIAN** means (a) a person who, under court order, is the guardian of the person of a minor, or (b) a public or private agency with which a minor has been placed by a court.

5. **MINOR** means any person under eighteen (18), years of age who is not married or otherwise emancipated.

6. PARENT means a person who is (a) a biological parent, adoptive parent, or stepparent of another person, or (b) at least eighteen (18) years of age and specifically authorized by a parent or guardian to have the care and custody of a minor prior to any act which is prohibited by this Resolution.

7. REMAIN means to (a) linger, stay behind, tarry, or stay about any establishment or public place, including any public right-of-way, street, road, lane, alley, highway, sidewalk, playground, park, plaza, building, or other place used by or open to the public, or (b) fail to leave the premises of any establishment, or any public place, when requested to do so by a law enforcement officer or the owner, operator, or other person in control of an establishment.

SECTION III - CURFEW VIOLATIONS

1. A minor violates the curfew adopted hereby if he or she remains in any public place or on the premises of any establishment within Pierce Township during curfew hours.

2. A minor violates the curfew adopted hereby if he or she remains in any public place on the premises of any establishment within Pierce Township at any time when that minor is required to be in attendance at an elementary or secondary school.

3. A minor violates the curfew adopted hereby if he or she (a) is under suspension from or has been expelled by, any elementary or secondary school, and (b) remains within one thousand feet of any school building within Pierce Township between the hours of 6:30 a.m. and 3:00 p.m. on any day when school is in session in that school building.

SECTION IV - DEFENSES

It is a full defense under Section III hereof that the minor was:

- A. Accompanied by the minor's parent or guardian;
- B. on an errand at the direction of the minor's parent or guardian, without any detour;
- C. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour;
- D. Involved in an emergency which commenced prior to curfew hours, or which arose in the minor's dwelling place after curfew hours had been commenced;
- E. On the sidewalk abutting the minor's residence or abutting an adjacent residence if an adult resident of the adjacent residence has not communicated an objection about the minor's presence to any law enforcement officer;
- F. Attending any activity organized and supervised by one or more adults and sponsored by Pierce Township, another municipality or township, a park district, a school

district, a civic organization, a church or other similar organization, or attending a religious activity;

G. Going to or coming from, without any detour, those activities identified in subsection F herein; or

H. Exercising any right protected by the Ohio or United States Constitutions.

SECTION V - PENALTIES

Any minor who violates the curfew adopted hereby shall be charged as being an unruly child, and taken before juvenile court as provided in Revised Code Chapter 2151, except as may be otherwise permitted or required by applicable law.

SECTION VI - SEVERABILITY

If any provision of this Resolution shall be declared to be unconstitutional or illegal, all remaining provisions of this Resolution shall remain effective and in full force.

SECTION VII - IMPLEMENTATION

The curfew adopted herein shall take effect upon its adoption by the Pierce Township Board of Trustees.

BE IT FURTHER RESOLVED that this Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulting in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

The Clerk of the Board of Township Trustees is hereby DIRECTED to furnish a certified copy of this resolution to the board of township trustees for Union Township, Batavia Township, and Ohio Township, and to the council of the Village of Amelia, all of which are within Clermont County, Ohio.

The Clerk of the Board of Township Trustees is hereby DIRECTED FURTHER to furnish a certified copy of this resolution to the Sheriff of Clermont County, Ohio.

The Clerk of the Board of Township Trustees is hereby DIRECTED FURTHER to furnish a certified copy of this resolution to the Board of County Commissioners for Clermont County, Ohio.

And, the Clerk of the Board of Township Trustees is DIRECTED FURTHER to furnish a certified copy of this resolution to the boards of education for the West Clermont Local School District and the New Richmond Exempted Village School District.

Mr. Strosnider seconded the motion and the roll being called upon the question of passage, the vote resulted as follows;

Mr. Hartman AYE

Mr. Strosnider AYE

*ADOPTED MARCH 2, 1999
Thomas A. Behymer, Clerk*

MOTION carried. RESOLUTION adopted.

CERTIFICATION

The undersigned, the duly elected Township Clerk of Pierce Township, Clermont County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 2nd day of March, 1999, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

This 2nd day of March, 1999.

THOMAS A. BEHYMER
Clerk