

Ordinance No. 860-2023

AN EMERGENCY ORDINANCE

By Council Member Polensek

To supplement the Codified Ordinances by amending Section 605.14 as amended by Ordinance No. 1729-06, passed April 23, 2007, related to minor's curfew.

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, or safety; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Codified Ordinances are supplemented by amending Section 605.14 as amended by Ordinance No. 1729-06, passed April 23, 2007, to read as follows:

Section 605.14 Minor's Curfew

(a) No child twelve (12) years of age or under shall be upon the streets or sidewalks or in a park or any other public place during the period from darkness to dawn, nor shall any child between the ages of thirteen (13) and fourteen (14), inclusive, be upon the streets or sidewalks or in any park or other public place between 9:30 p.m. and 6:00 a.m. nor shall any child between the ages of fifteen (15) and sixteen (16), inclusive, be upon the streets or sidewalks or in any park or other public place between the hours of 11:00 p.m. and 6:00 a.m., nor shall any child seventeen (17) years of age be upon the streets or sidewalks between the hours of midnight and 6:00 a.m., unless the child is accompanied by a parent or legal guardian, or a responsible adult selected by the parent or legal guardian to supervise the child.

(b) Each parent or legal guardian of a child seventeen (17) years of age or under shall have a duty to prohibit the child from behaving contrary to division (a) of this section. No person shall negligently fail to fulfill the duty imposed by this division.

(c) It shall be an affirmative defense to division (b) of this section that the parent or legal guardian:

(1) Initiated the jurisdiction of the Juvenile Court against the child prior to the time that the child was found violating division (a) of this section;

(2) Can demonstrate based on the records of the employer, that it can be reasonably presumed that the child was en route to home from work in the evening or en route to work from home in the morning.

(d) Any child who violates division (a) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

(e) Any person who violates division (b) of this section is guilty of negligently failing to supervise a child, a ~~minor~~ misdemeanor of the fourth degree for a first offense and may be required to perform supervised community service work pursuant to ~~division (H)~~ of RC 2951.02 in the ward in which the child was arrested or detained, the value of such service work not to exceed ~~One Hundred~~ Two Hundred Fifty Dollars (\$250.00). (~~\$100.00~~). In addition to any other method of enforcement provided for in these Codified Ordinances or by statute, this offense may be enforced by the issuance of

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a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Any person who is convicted of a second or subsequent offense for violating division (b) of this section is guilty of a misdemeanor of the ~~fourth~~third degree.

Section 2. That Section 605.14 as amended by Ordinance No. 1729-06, passed April 23, 2007, is repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

MDP:rns
8/16/2023

