

**Resolution No. 36-1996  
Establishing a Curfew for Minors**

WHEREAS, the Board of Township Trustees, on March 27, 1996 formed a Youth Curfew Task Force comprised of township residents; and

WHEREAS, the purpose of said Youth Curfew Task Force was to prepare a report which provides recommendations to the Township Board of Trustees regarding the process, costs, effectiveness and interests of residents in the adoption of a youth curfew; and

WHEREAS, the Youth Curfew Task Force presented their recommendations to the Township Board of Trustees during a regular meeting of the Board on June 11, 1996; and

WHEREAS, the Springfield Township Board of Trustees recognize the need to protect minors from becoming victims, as well as perpetrators of crimes which occur at night; and

WHEREAS, neighboring communities have enacted similar curfew ordinances which may cause minors from those communities to take refuge in Springfield Township during the hours of their curfew,

NOW THEREFORE BE IT RESOLVED, that there is hereby established a curfew for minors with the following definitions and provisions:

Section 1:        Definitions

- 1)        CURFEW HOURS mean:
  - a)        11:00 p.m. on any Sunday thru Thursday until 6:00 a.m. of the following day.
  - b)        12:00 a.m. until 6:00 a.m. on any Friday or Saturday.
- 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: a fire, natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- 3)        EMPLOYMENT ACTIVITY means any bona fide service performed for wages or salary under contract for hire, written, express, or implied.
- 4)        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.
- 5)        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 whom a minor has been placed by a court.

- 6) MINOR means any person under the age of 18 years of age who is not married or otherwise emancipated.
- 7) PARENT means a person who is:
  - a) a natural parent, adoptive parent, or step-parent or guardian entrusted with the care and custody of a minor.
  - b) a person, at least 18 years of age, who is and authorized by a parent or guardian to have the care and custody of a minor.
- 8) PUBLIC PLACE means any place which is open to the public and includes, but is not limited to: streets, highways, and the common areas of schools hospitals, apartment houses, office buildings, transport facilities, and shops
- 9) REMAIN means to:
  - a) linger or stay; or
  - b) fail to leave a premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- 10) SERIOUS BODILY INJURY means 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.

## SECTION II    OFFENSES

- 1) A minor commits an offense if he/she remains in any public place or on the premises of any establishment within Springfield Township during curfew hours.

## SECTION III    DEFENSES

- 1) It is a defense to prosecution under Section II 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 or stop;
  - c) in a motor vehicle involved in interstate travel;
  - d) engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
  - e) involved in an emergency;

- f) 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;
- g) attending an activity organized and supervised by adults and sponsored by Springfield Township, another political jurisdiction, school district, civic organization or other similar organization that takes responsibility for the minor or attending an official school or religious activity;
- h) going to or coming from, without detour or stop, those activities identified in Section III (1) (g) herein.
- i) 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.

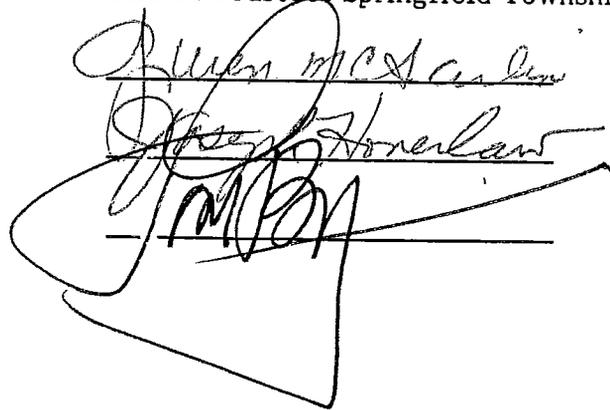
SECTION IV    ENFORCEMENT

Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's age and reason for being in the public place or on the premises of an establishment. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that based on any response and other circumstances, no defense in Section III is present.

SECTION V    PENALTIES

- 1) Any minor found violating any provision of this Resolution shall be guilty of being an unruly child and shall be dealt with in accordance with the juvenile law and procedure.

Board of Trustees Springfield Township



Three handwritten signatures are present, each written over a horizontal line. The signatures are in cursive and appear to be: 'Ruben M...', 'Joseph...', and 'M...'. The signature 'M...' is significantly larger and more stylized than the others.

ATTEST:

John Wabsmunelsh  
Clerk