



CITY OF CLEVELAND HEIGHTS

CHAPTER 531 Minor's Curfew

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531.01 CURFEW HOURS.

- (a) No person under the age of twelve years shall be upon the public streets, highways, sidewalks, public parks or public grounds within the City during the period from darkness until 6:00 a.m.
- (b) No person twelve years of age or over but less than sixteen years of age shall be upon the public streets, highways, sidewalks, public parks or public grounds within the City between the hours of 10:30 p.m. and 6:00 a.m.
- (c) No person sixteen years of age or over but less than eighteen years of age shall be upon the public streets, highways, sidewalks, public parks or public grounds within the City between the hours of 12:00 midnight and 6:00 a.m.
- (d) Notwithstanding any other provision of Section 531.01, no person under 18 years of age shall be upon the public streets, highways, sidewalks, public parks or public grounds within the Coventry Village Business District or the Cedar-Lee Business District, as those districts are defined and described in Exhibits "A" and "B" attached hereto and incorporated herein between the hours of 6:00 p.m. and 6:00 a.m.
- (e) Whoever violates the provisions of this Section shall be guilty of an act of unruly behavior.

531.011 DEFINITIONS

As used in this Chapter 531 of the Codified Ordinances:

- (a) "Minor" means any person under the age of eighteen years.
- (b) "Parent" means any person having legal and physical custody of a minor:
 - (1) As a natural or adoptive parent;
 - (2) As a legal guardian;
 - (3) As a person who stands in loco parentis; or
 - (4) As a person to whom legal and physical custody has been given by order of court.

531.02 CURFEW EXCEPTIONS

The provisions of Section 531.01 shall not apply to any person specified in such section under the following circumstances:

- (a) When accompanied by a parent of such minor or a member of the minor's family who is eighteen (18) years of age or older.
- (b) When upon an errand or legitimate business, including, but not limited to, attendance at the library, under the immediate direction and authorization of a parent of the minor.
- (c) When engaged in a gainful, lawful employment during the established curfew hours. The minor shall carry a written authorization signed by a parent or employer stating the location and hours of employment.
- (d) When going to or returning home by a direct route (without any unnecessary detour or stop) from and within one (1) hour of the commencement or termination of a school activity or an activity of a religious or voluntary association or place of public entertainment, such as a movie, play or sporting event.
- (e) When attending, and while going directly to or from a controlled-admission recreation venue within the "Special Curfew Area" with the knowledge and consent of the parent.
- (f) When a minor is exercising 1st Amendment rights protected by the United States Constitution (e.g., the free exercise of religion, freedom of speech, the right of assembly) and delivers, at least 24 hours in advance of the protected activity, a written communication to the City's Chief of Police (or designated agent thereof to receive such information) that is signed by the minor and countersigned, if practicable, by a parent of the minor with their home address and telephone number, specifying when, where and in what manner the minor will be in a public place during hours when the curfew ordinance is applicable to said minor in the exercise of a 1st Amendment right specified in such communication.

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531.03 PARENTAL RESPONSIBILITY; CIVIL PENALTY

(a) It shall be the duty and responsibility of each parent of a minor to ensure that the minor does not violate Section 531.01 of this Chapter, either by personal supervision of the minor, or by arranging for a responsible adult to supervise the minor so that the minor does not violate Section 531.01.

(b) When a minor is taken into custody as a result of a violation of Section 531.01, a violation of subsection (a) will be deemed to have occurred, and it shall be presumed that either or both of the minor's parents are responsible for failure to comply with subsection (a) of this Section. This presumption may be rebutted as to either or both parents at a proceeding held pursuant to Section 531.05.

(c) Each violation of subsection (a) of this section shall be deemed a noncriminal infraction for which a civil penalty of fifty dollars (\$50.00) shall be assessed against the responsible parent or parents, jointly. Each parent shall be jointly and severally liable for the civil penalty, unless responsibility is determined otherwise at a proceeding held pursuant to Section 531.05.

531.04 ENFORCEMENT

(a) A minor found in violation of Section 531.01 shall be detained pursuant to Ohio law and the Ordinances of the City of Cleveland Heights.

(b) A parent who responds to retrieve his or her minor child shall be served at that time with a "Notice of Liability" informing the responsible parent or parents of their responsibility to pay the civil penalty assessed by Section 531.03(c). If the minor is never retrieved by a parent, the "Notice of Liability" may be served by first-class mail or personal service at the residence or business address of either or both parents. A Return of Service and a copy of the "Notice of Liability" shall be filed with the Director of Finance for each "Notice of Liability" served under this Section. The "Notice of Liability" shall clearly state the manner in which the infraction may be appealed.

(c) A civil penalty assessed under this Chapter shall be paid within thirty (30) days, unless it is appealed pursuant to Section 531.05. If the appeal is denied or modified, the civil penalty, or the penalty as modified, shall be paid within twenty-one (21) days after the appeal is decided. Civil penalties that have not been timely paid will accrue interest at the rate of 1.5% per month from the due date of payment in full. Unpaid civil penalties and interest shall be deemed debts owed to the City, and may be collected by initiation of a civil action or any other lawful debt collection procedure.

SECTION 531.05 APPEAL OF CIVIL PENALTIES; CURFEW PENALTY REVIEW BOARD

(a) Any parent assessed a civil penalty pursuant to this Chapter may, within seven days after receipt of a "Notice of Liability," make a written demand to the Director of Public Safety for a hearing on the question of whether the civil penalty should have been assessed.

(b) When a hearing is timely requested, a hearing shall be held no later than twenty-one (21) days following receipt of the request, and at least three (3) days' notice of the hearing shall be provided to the person requesting the hearing. All hearings held pursuant to this Section shall be conducted during regular business hours at City Hall before the Curfew Penalty Review Board ("Board"), which is hereby created. The Board shall be composed of the Law Director or designee, the Police Chief or designee and a member of City Council appointed annually by the Mayor.

(c) The Board shall permit the person requesting the hearing to make a presentation to the Board, which may include the submission of documents or the testimony of witnesses. The Board may allow the appeal, deny the appeal, or modify the amount of the civil penalty, by a majority vote. The Board's decision shall be final and binding on all parties. The Board may establish further rules for the conduct of its proceedings, and shall record its decisions in writing.

(d) The Board's decision in each case shall be served by First Class mail upon the person who requested the hearing, and shall be deemed served when mailed. A copy of each decision will be forwarded to the Director of Finance.

531.06 TEMPORARY SPECIAL CURFEW AREAS

In the event the City's Director of Public Safety obtains information sufficient for him to reasonably believe that a "Flash Mob" or similar event involving the gathering of minors is proposed to take place at a particular location on public property within the City, and where it appears that this "Flash Mob" event poses a threat of imminent harm or danger to the public health, safety or general welfare, the City's Director of Public Safety may, after consultation with the Police Chief and Law Director, take whatever steps are necessary to prevent or control the "Flash Mob" event including a temporary designation of a Special Curfew Area which would prohibit minors from entering the Area between designated hours. Signs shall be posted giving notice of the Area so designated and the hours to which the Temporary Curfew designation applies. The designation shall apply only for the minimum amount of time necessary to prevent or control the particular situation which caused the designation to be made. All of the exceptions contained in Section 531.02 of this Ordinance shall be applicable to the designated Special Curfew Area.