

Chapter 9.52

CURFEW¹²

Sections:

- 9.52.010 Children on streets at night - Supervision by parent or guardian - Curfew.
- 9.52.020 Permitting child to violate curfew prohibited.
- 9.52.025 Parental Authority.
- 9.52.030 Police to detain children violating curfew.
- 9.52.040 Detaining delinquent children.
- 9.52.050 Violation - Penalty.

9.52.010 Curfew

It is unlawful for a person less than 17 years of age to be present at or upon any building, place, street or highway at the following described times unless accompanied and supervised by a parent, legal guardian or other responsible companion of at least 18 years of age who is approved by a parent or legal guardian:

- A. Between 12:01 a.m. and 6:00 a.m. on Saturdays;
- B. Between 12:01 a.m. and 6:00 a.m. Sundays; and
- C. Between 11:00 p.m. on Sunday through Thursday, inclusive, and 6:00 a.m. on the following day.

The following activities are exempted from the provisions of this ordinance:

- If the person less than 17 years of age is (a) engaged in employment or occupation upon which the laws of the State of Illinois authorize a person less than 17 years of age to perform; (b) at an official civic, school-related or religious activity; (c) engaged in organized political protest or political activity; (d) any other core First Amendment activity.

(Ord. 2004-M-51 § 1; Ord. 1995-M-1 § 1; Ord. 1968-19 § 1 (part): prior code § 27.101.)

9.52.020 Permitting child to violate curfew prohibited.

It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate Section 9.52.010. (Ord. 1968-19 § 1 (part): prior code § 27.102.)

9.52.025 Parental Authority.

The parent or legal guardian of an unemancipated minor (a person under the age of eighteen) residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary, to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed a violation of the curfew described in Section 9.52.010 above, with the knowledge and permission of the parent or guardian in violation of this section upon the occurrence of the events described in Subparagraphs A., B., and C. below:

- A. An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law or statute prohibiting wilful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute prohibiting wilful and malicious acts causing injury to a person or property; and
- B. Said parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned, from the Police Department of the city following said adjudication or non-judicial sanctions; and
- C. If at any time within one (1) year following receipt of the notice set forth in B. above, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in A. above, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute as described in A. above.

(Ord. 1995-M-1 § 1.)

9.52.030 Police to detain children violating curfew.

Every member of the police force while on duty is authorized to detain any such child violating the provisions of this chapter until the parent or guardian of the child takes him or her into custody, but such officer shall immediately upon taking custody of such child communicate with the parent or guardian. (Prior code § 27.103.)

9.52.040 Detaining delinquent children.

If it appears that any child taken into custody for a violation of Section 9.52.010 is growing up in mendicancy or vagrancy, or is incorrigible for the lack of proper parental care or has no home, proper proceedings shall be taken to have such child placed in the care of a state institution as is provided by statute. (Prior code § 27.104.)

9.52.050 Violation - Penalty.

Any person, firm or corporation violating any provisions of this chapter 9.52 shall, upon conviction, be fined fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense and five hundred dollars (\$500.00) for each subsequent offense. In the alternative, any person violating any provision of this chapter 9.52 shall, upon conviction, complete twelve (12) hours of community service for the first offense, twenty-four (24) hours of community service for the second offense, and one hundred twenty (120) hours of community service for each subsequent offense. All community service shall be completed within one (1) year from the date of conviction. (Ord. 2008-M-48 § 1; Prior code § 27.105.)