

Record of Ordinances

Ordinance No.: 2010-48

Passed: December 29, 2010

**AN ORDINANCE TO AMEND AND CODIFY ORDINANCE #2007-11, DECLARING AN EMERGENCY, AND CREATING NEW SECTION 672.25 CODIFIED ORDINANCES, CURFEW**

WHEREAS the Council of the Village of West Lafayette, Ohio desires to provide for the protection and safety of its citizens including but not limited to minors as well as adults; and,

WHEREAS minors may not possess as great amount of reasoning power as adults; and,

WHEREAS the Village of West Lafayette, Ohio desires to provide for maximum parental control and legitimate, reasonable exceptions to the curfew;

THEREFORE BE IT ORDAINED by the Council of the Village of West Lafayette, State of Ohio as follows:

**SECTION I.** There is created Section 672.25 Curfew in the Codified Code of Ordinances.

**SECTION II.** (672.25 (a)) No minor under the age of eighteen years shall be or remain upon any highway, street, alley, or other public place in the Village of West Lafayette, Ohio between the hours of 12:00 midnight and 6:00 A.M. However, the provisions of this ordinance do not apply to a minor accompanied by his/her parent, guardian, or other adult person having care and custody of the minor, where the minor is on an emergency errand or legitimate business directed by his parent, guardian, or other adult person having care and custody of the minor, where the minor is attending, going to or returning directly from a school, church, governmental, civic, or recreational function, when the minor is going or returning directly to or from his place of employment, when the minor is passing through the Village of West Lafayette, Ohio by motor vehicle by most direct route from Newcomerstown, Coshocton, or other municipality or going to his residence by direct route from them, or when the minor is married or legally emancipated.

**SECTION III.** (672.25 (b)) No parent, guardian, or other adult person having legal custody and control of the minor under the age of eighteen years shall knowingly permit such minor to violate any of the provisions of this section.

**SECTION IV.** (672.25 (c)) Minors violating any of the provisions of this section shall be dealt with in accordance with the Juvenile Court Law and procedures; namely, the juvenile will be considered an unruly child.

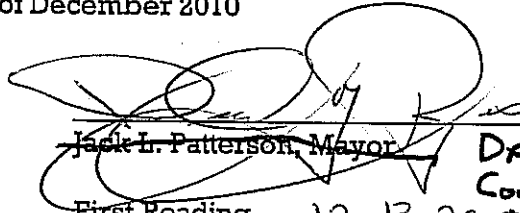
**SECTION V.** (672.25 (d)) This ordinance will be narrowly and strictly construed and each section or exception within a section shall be viewed by the Court separately for constitutional protection. In the event a section or exception within a section is deemed unconstitutional in whole or in part by the Court the remaining sections or exceptions within sections shall remain in full force and effect. If the person or minor has violated any remaining section and his actions fail to fall within an exception in Section II he will have violated this ordinance. Proof that the minor was in violation of the curfew is prima facie proof of violation of the ordinance.

**SECTION VI.** (672.25 (e)) Any person age eighteen or over who violates any provisions of this ordinance is guilty of a minor misdemeanor for a first offense and for a second or subsequent offense is guilty of a misdemeanor of the fourth degree.

SECTION VII. This ordinance shall be an emergency ordinance necessary for the preservation of the public peace, health, and safety, such emergency existing by reason steps need to be taken to curb disorderly conduct and vandalism and to protect minors and shall take effect and be in force immediately upon passage at the earliest date provided by law.

PASSED IN COUNCIL THIS 20th day of December 2010

Passed as  
a emergency



~~Jack L. Patterson, Mayor~~

David Rogers  
Council President Pro Tempore

First Reading 12-13-2010  
Date

Second Reading \_\_\_\_\_  
Date

Third Reading \_\_\_\_\_  
Date

ATTEST:

Lisa M Stiteler  
Lisa Stiteler, Fiscal Officer

APPROVED AS TO FORM:

William M. Owens  
William M. Owens, Solicitor for the Village  
of West Lafayette, Ohio

### CERTIFICATE OF POSTING

The foregoing Ordinance was posted according to law this 4<sup>th</sup> day of January, ~~2010~~ 2011

Lisa M Stiteler  
Fiscal Officer