

**509.09 CURFEW OF UNDERAGE PERSONS.**

(a) Violation. It is a curfew violation for a child seventeen years of age or younger to be in a public place:

- (1) After 11:00 p.m. and before 5:00 a.m. on Sunday through Thursday; or
- (2) After midnight and before 5:00 a.m. on Friday or Saturday.

(b) Exemptions. This section does not apply to a child who is:

- (1) Accompanied by his parent, guardian, or custodian;
- (2) Accompanied by an adult specified by his parent, guardian, or custodian;
- (3) Carrying out an errand or other lawful activity as directed by his parent, guardian, or custodian; or
- (4) Participating in, going to, or returning from:
  - A. Lawful employment; or
  - B. A lawful athletic, educational, entertainment, religious, or social event.

(c) Authority of Police during Curfew Hours.

(1) Any police officer may stop and question any minor suspected of violating this section's provisions and may take the minor into custody when found violating provisions of this section. The officer shall take the minor to the City police headquarters where the name of the minor's parent, guardian, or person having legal custody of him shall be ascertained.

(2) The parent, guardian, or person having legal custody shall be notified or summoned by the investigating officer to appear at the police headquarters to complete the investigation.

(3) The investigating or apprehending officer, if he is satisfied a violation has occurred, shall cause a warrant to be issued for the arrest and appearance of the parent, guardian, or person in custody of the minor to appear in the appropriate court to answer the charge of a violation of this section.

(d) Penalty. Any parent, guardian, or person having the legal custody of a minor which minor violates any provision of subsection (a) above, is guilty of a misdemeanor of the third degree. In addition, any minor violating any provision of subsection (a) above, may be referred to Juvenile Court.

(1987 Code 132.16)