

EMERGENCY

CNS

-2025

MODIFYING the provisions of Chapter 911, “Miscellaneous Misdemeanors,” of the Cincinnati Municipal Code by **ORDAINING** new Section 911-28, “Special Extended Curfew District for Minors,” to address increased juvenile crime and support juvenile safety in the Downtown area of Cincinnati.

WHEREAS, ensuring safe and clean communities is a core function of the City; and

WHEREAS, the Downtown area of Cincinnati, including portions of the Central Business District and Over-The-Rhine neighborhoods, is experiencing a disproportionate number and concentration of youth-related calls for service in the evening and overnight; and

WHEREAS, decreasing juvenile crime and supporting juvenile safety are compelling government interests; and

WHEREAS, to protect the public health, safety, and welfare in Cincinnati, Council finds it necessary to provide the City with all appropriate tools necessary to ensure flexibility to combat threats to communities; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That new Section 911-28, “Special Extended Curfew District for Minors,” of Chapter 911, “Miscellaneous Misdemeanors,” of the Cincinnati Municipal Code is ordained as follows:

Sec. 911-28. Special Extended Curfew District for Minors.

(a) *Definitions.*

- (1) “Minor” shall mean a person who is under the age of 18 years of age.
- (2) “Remain” shall mean to linger or to stay upon a place.
- (3) “Adult” shall mean a person at least 21 years of age.
- (4) “Emergency” shall mean any unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

- (5) “Knowingly” shall have the same meaning as defined in Ohio Revised Code Section 2901.22.
 - (6) “Emancipated Minor” shall mean a minor child under the age of 18 years of age and free of parental control.
 - (7) “Special Extended Curfew District” refers to a specially designated area of Cincinnati in which curfew parameters varying from citywide curfew parameters may be imposed.
- (b) It shall be unlawful for any minor under the age of 18 years to be, or remain in, about or upon any place in the city designated a special extended curfew district away from the dwelling house or usual place of abode of said minor, between the hours of 9:00 p.m. and 5:00 a.m. of the following day.
- (c) *Exceptions.* The provisions of paragraph (b) of this section do not apply to any minor who is:
- (1) Accompanied by said minor’s parent, guardian, or other adult person having the care, custody, or supervision of said minor;
 - (2) Emancipated;
 - (3) Exercising First Amendment Rights protected by the United States Constitution;
 - (4) Going to or from employment without detour or stop;
 - (5) Attending an official school, religious, or other recreational activity sponsored by the City of Cincinnati, by a civic or public organization or entity, or by another similar organization or entity, which activity is supervised by adults, and/or going to or returning from such an activity without detour or stop;
 - (6) Involved in an emergency;
 - (7) Involved in interstate travel through, or beginning or terminating in, the city;
 - (8) 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; or
 - (9) Running an errand or doing any other specific task or activity directed or permitted by said minor’s parent, guardian or other adult person having the care, custody or supervision of said minor.
- (d) *Parent or Guardian to Take Minor Into Custody.* In addition to any other powers already provided by law, any law enforcement officer who arrests a minor for violating any of the provisions of division (b) of this section shall be empowered to demand of the parent, guardian or other adult person having the care, custody or supervision of said minor that

said parent, guardian or other adult person appear and take said minor into custody. Should there be a failure of the parent, guardian or other adult person to appear and take custody of such minor, the officer may then be empowered to take the minor home or to the Hamilton County Juvenile Court. It shall be unlawful for any such parent, guardian or other adult person having the care, custody or supervision of said minor to fail or refuse to appear and take said minor into custody within two hours after such demand is made upon said parent, unless reasonably hindered from doing so.

- (e) *Responsibility of Parent or Guardian.* No parent, guardian or other adult person having the care, custody or supervision of a minor shall knowingly permit or by inefficient control allow such minor to be, or remain in, about or upon any place in the city designated a special extended curfew district away from the dwelling house or usual place of abode of said minor in violation of any of the provisions of Section 911-28(b).
- (f) *Authority of Officer to Transport Minor.* Any law enforcement officer who arrests a minor for violating any of the provisions of division (b) of this section, in addition to any other powers already provided by law, shall be empowered to transport said minor to the nearest center designated as a holding facility for curfew violators. The numbers and locations of such centers shall be determined or modified by the Chief of Police based upon need and desirability. The minor shall be released only to a parent, guardian or other adult person having the care, custody or supervision of said minor, or a person at least 18 years of age designated for such purpose by a parent, guardian or other adult person having the care, custody or supervision of said minor, or an appropriate juvenile agency.
- (g) *Penalty.*
 - (1) Any minor found violating the provisions of division (b) of this section shall be guilty of committing a curfew violation.
 - (2) Any parent, guardian or other adult person having the care, custody or supervision of a minor who shall violate the provisions of 911-28(d) shall be guilty of a minor misdemeanor. Any parent, guardian or other adult person having the care, custody or supervision of a minor who violates the provisions of 911-28(e) shall receive a written warning for the first violation. Any parent, guardian or other adult person having the care, custody or supervision of a minor who violates the provisions of 911-28(e) for the second and any subsequent offenses shall be guilty of a minor misdemeanor.
- (h) *Enforcement.* Before taking any enforcement action under this section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. 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 exception in subsection (c) is present.
- (i) *Monitoring of Effectiveness and Annual Report.* The City Manager or the City Manager's designee shall devise and institute a procedure to monitor and evaluate the effectiveness and desirability of any special extended curfew district, and prepare a detailed report for annual submissions to city council.

- (j) *Severability.* If any section, subsection, sentence, clause, phrase or portion of the provisions of this section is for any reason declared by any court of competent jurisdiction to be invalid or unconstitutional, such section, subsection, sentence, clause, phrase or portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining provisions of this section.
- (k) *Downtown Special Extended Curfew District.* There shall be a Downtown Special Extended Curfew District, the perimeter of which is illustrated in attached Map 911-28(k) Downtown Special Extended Curfew District.

Section 2. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the need to immediately address juvenile crime and juvenile safety Downtown.

Passed: _____, 2025

Aftab Pureval, Mayor

Attest: _____
Clerk