

## CHAPTER 130: MINORS; CURFEW AND ALCOHOL

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### ***POSSESSION AND/OR CONSUMPTION OF ALCOHOL***

#### **' 130.01 UNLAWFUL ACTS.**

It shall be unlawful and punishable as provided herein for any minor to possess and/or consume alcoholic liquor.

(Ord. passed 7-8-2002) Penalty, see ' 130.99

#### **' 130.02 DEFINITION OF MINOR.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***MINOR.*** Any person who has not yet reached the age of 21 years.

(Ord. passed 7-8-2002)

#### **' 130.03 VIOLATION.**

(A) Any minor who possesses or consumes alcoholic liquor within the village is in violation of this chapter, and is guilty of a misdemeanor.

(B) Any minor, whether he or she is the driver or a passenger, in a motor vehicle containing open containers of alcoholic liquor is in violation of this chapter.

(C) Any minor who transports, possesses or consumes alcoholic liquor in a motor vehicle is in violation of this chapter.

(D) Any minor who uses fraudulent identification to purchase, or attempt to purchase, alcoholic liquor is in violation of this chapter.

(E) Any minor who purchases, or attempts to purchase, alcoholic liquor is in violation of this chapter.

(Ord. passed 7-8-2002) Penalty, see ' 130.99

**' 130.04 POSSESSION BY CONSUMPTION.**

(A) A police officer who has reasonable cause to believe a minor has consumed alcoholic liquor may require the minor to submit to a preliminary chemical breath analysis.

(1) A police officer may arrest in whole or in part based upon the results of a preliminary chemical breath analysis.

(2) The results of a preliminary chemical breath analysis or other acceptable blood alcohol tests are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor.

(B) Any minor who is deemed, by a police officer, to have consumed alcohol as set forth in division (A) above is in violation of this chapter.

(Ord. passed 7-8-2002) Penalty, see ' 130.99

**' 130.05 PRELIMINARY BREATH TEST ANALYSIS.**

A minor who refuses to submit to a preliminary breath test analysis at the request of a public safety officer, or as required in ' 130.04(A) above, is in violation of this chapter.

(Ord. passed 7-8-2002) Penalty, see ' 130.99

***CURFEW REGULATIONS***

**' 130.15 UNLAWFUL ACTS.**

It shall be unlawful for any minor under the age of 17 years to loiter, idle, wander, stroll, play or be in, remain in, on or about any public street, highway, road, alley, park, playground or other public grounds, public places and public buildings, or other unsupervised places in the village between the hours of 10:00 p.m. and 6:00 a.m. of the following day, except that on Friday and Saturday nights the prohibition for persons 15 and 16 years of age shall be between the hours of 11:00 p.m. and 6:00 a.m. of the following day; provided however, that the provisions of this section do not apply to a minor who is:

(A) Accompanied by the minor's parent or guardian;

(B) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(C) In a motor vehicle involved in interstate travel;

(D) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(E) Involved in an emergency;

(F) 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;

(G) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(H) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(I) Married or had been married or had disabilities of minority removed in accordance with state law.

(Ord. passed 7-8-2002) Penalty, see ' 130.99

**' 130.16 PARENTAL RESPONSIBILITY.**

It shall be unlawful for any parent, guardian or other adult person having the care or custody of any minor under the age of 17 years to allow or permit any minor to loiter, idle, wander, stroll, play, pleasure ride, park or be in or about any public street, highway, road, alley, park, playground or amusement or entertainment, or other unsupervised places in the village contrary to the provisions of and within the time prohibited in ' 130.15 above. It shall be unlawful for any parent, guardian or other adult person having the care or custody of any minor to refrain from being in, on or about the places set forth in ' 130.15 above within the time prohibited contrary to the terms and provisions of this chapter.

(Ord. passed 7-8-2002) Penalty, see ' 130.99

**' 130.17 AIDING AND ABETTING.**

It shall be unlawful for any person to assist, aid, abet or encourage any minor under the age of 17 years to violate any of the terms and provisions of this chapter.

(Ord. passed 7-8-2002) Penalty, see ' 130.99

**' 130.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person who violates ' ' 130.01 through 130.05 shall be guilty of a misdemeanor punishable by a fine of not more than \$500 or by imprisonment in the county jail for a period not exceeding 90 days, or both fine and imprisonment.

(Ord. passed 7-8-2002)