

First Reading: October 12, 2021
Second Reading: October 19, 2021

ORDINANCE NO. 13720

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,
PART II, CHAPTER 25, SECTION 25-2, CURFEW FOR
MINORS.

WHEREFORE, the Chattanooga City Code Section 25-2 establishes a curfew for minors under the age of sixteen (16); and

WHEREFORE, the City Council desires juveniles under the age of seventeen (17) to have an earlier curfew;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,
TENNESSEE:

SECTION 1. That Chattanooga City Code, Part II, Chapter 25, Section 25-2, Curfew for Minors, be amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 25-2. - Curfew established Exceptions Duties of apprehending authority.

(a) It is unlawful for any minor between seventeen (17) and eighteen (18) years of age to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the county during the following time frames:

- (1) Monday through Thursday between the hours of eleven o'clock p.m. (11:00 p.m.) to six o'clock a.m. (6:00 a.m.); and
- (2) Friday through Sunday between the hours of twelve o'clock (12:00) midnight to six o'clock a.m. (6:00 a.m.).

(b) It is unlawful for any minor sixteen (16) years of age and under to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the county during the following time frames:

- (1) Monday through Thursday between the hours of ten o'clock p.m. (10:00 p.m.) to six o'clock a.m. (6:00 a.m.); and
- (2) Friday through Sunday between the hours of eleven o'clock p.m. (11:00 p.m.) to six o'clock a.m. (6:00 a.m.).

(c) It is unlawful for a parent or guardian of a minor to knowingly permit or by inefficient control to allow the minor to be or remain upon any street or establishment under circumstances not constituting an exception to, or otherwise beyond the scope of subsections (a) and (b). The term "knowingly" includes knowledge that a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. The term "knowingly" is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It is not a defense that a parent was completely indifferent to the activities or conduct or whereabouts of the minor child.

(d)(1) The following are valid exceptions to the operation of the curfew:

- (A) At any time, if a minor is accompanied by the minor's parent or guardian;
- (B) When accompanied by an adult authorized by a parent or guardian of the minor to take the parent or guardian's place in accompanying the minor for a designated period of time and purpose within a specified area;
- (C) Until the hour of twelve-thirty a.m. (12:30 a.m.), if the minor is on an errand as directed by the minor's parent;
- (D) While engaged in a lawful employment activity, or while going directly to or returning directly from the minor's home and place of lawful employment. This exception shall also apply if the minor is in a public place during the curfew hours in the course of the minor's lawful employment. To come within this exception, the minor must be carrying written evidence of employment that is issued by the employer;
- (E) Until the hour of twelve-thirty a.m. (12:30 a.m.) if the minor is on the property of or the sidewalk directly adjacent to the place where the minor resides or the place immediately adjacent to the place where the minor resides, if the owner of the adjacent building does not communicate an objection to the minor and the law enforcement officer;
- (F) When returning home by a direct route from (and within thirty (30) minutes of the termination of) a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception does not apply beyond one o'clock a.m. (1:00 a.m.);

- (G) In the case of reasonable necessity, but only after the minor's parent has communicated to law enforcement personnel the facts establishing the reasonable necessity relating to specified streets at a designated time for a described purpose including place or origin and destination. A copy of the communication, or the record of the communication, an appropriate notation of the time it was received and of the names and addresses of the parent or guardian and minor constitute evidence of qualification under this exception;
- (H) When 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. A minor shall show evidence of the good faith of the exercise and provide notice to the city officials by first delivering to the appropriate law enforcement authority a written communication, signed by the minor, with the minor's home address and telephone number, addressed to the mayor of the county specifying when, where and in what manner the minor will be on the streets at night during hours when the curfew is still otherwise applicable to the minor in the exercise of a First Amendment right specified in the communication; and
- (I) When a minor is, with parental consent, in a motor vehicle engaged in good faith interstate travel.

(2) Each of the exceptions contained in subdivision (d)(1), and the limitations are severable.

(e) When any child is in violation of this section, the apprehending officer shall act in one (1) of the following ways:

- (1) In the case of a first violation, and if in the opinion of the officer the action would be effective, take the child to the child's home and warn and counsel the parents or guardians;
- (2) Take the minor into custody and transport the minor to a designated curfew center;
- (3) Issue a summons to the child or parents or guardians to appear at the juvenile court; or
- (4) Bring the child into the custody of the juvenile court for disposition.

(f)(1) A minor violating this section shall commit an unruly act disposition of which shall be governed pursuant to Title 37 by the Hamilton County Juvenile Court.

(2) Any parent, guardian, or other person having the care, custody and control of a minor violating this section commits a violation of this ordinance which may be heard by the Chattanooga City Court and the parent, guardian, or other such person who is above the age of majority shall be fined no more than fifty dollars (\$50.00) for each offense by the City Court Judge. Each violation of this section shall constitute a separate offense.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: October 19, 2021


CHAIRPERSON

APPROVED: DISAPPROVED:


MAYOR

EAO/PAN/mem/v7