

ORDINANCE 2023-16

AMENDING CHAPTER 24 “OFFENSES AND MISCELLANEOUS PROVISION”
OF THE NASHVILLE CODE OF ORDINANCES WITH SECTION 24.14
“CURFEW FOR YOUNG ADULTS”

BE IT ENACTED by the Town Council of the Town of Nashville, North Carolina:

SECTION 1. NEW SECTION. That Section 24.14 titled “Curfew For Young Adults” of the Nashville Code of Ordinances is hereby created and shall read as follows:

Sec. 24-14. Curfew of Young Adult.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Establishment means any privately owned place of business to which the public has access or is invited, including but not limited to any place of amusement or entertainment.

Guardian means any person having legal custody of a minor, such as:

- (1) A legal guardian;
- (2) A person who stands in loco parentis; or
- (3) A person to whom legal custody has been given by the court.

Parent means a natural or adopted parent of a minor.

Public place means any place that is generally open to and used by the public or a substantial group of the public, whether it be publicly or privately owned, including but not limited to streets, highways, alleys, rights-of-way, public vehicular areas and parking lots, shops, restaurants, convenience stores, schools and school grounds, places of business and amusement, playgrounds, parks, church grounds, similar areas open to the public, and other common areas open to or accessible to the public.

Young adult means a person who has not reached his or her 18th birthday and is not married, emancipated, or a member of the Armed Forces of the United States.

(Res. of 8-14-2006(01), § 1)

Sec. 24-14a. Curfew.

Except as set out in section 24-14b, all young adults and their parents or guardians shall abide by the following:

- (1) A young adult 13 years of age or younger shall not be or remain in any public place or establishment between the hours of 9:00 p.m. and 6:00 a.m.
- (2) A young adult between 14 years of age and 17 years of age shall not be or remain in any public place or establishment between the hours of 11:00 p.m. and 6:00 a.m.

- (3) A parent or guardian of any young adult shall not knowingly permit, or by inadequate supervision, allow his or her young adult to remain in any public place or establishment during the established curfew hours as set out in subsections (1) and (2) of this section.
- (4) A parent or guardian of any young adult shall not refuse to take custody of his or her young adult during the established curfew hours as set out in subsections (1) and (2) of this section.

(Res. of 8-14-2006(01), § 2)

Sec. 24-14b. Exceptions.

A young adult shall not be in violation of this article if the young adult is:

- (1) Accompanied by a parent or guardian.
- (2) Accompanied by an adult 18 years of age or older who has been authorized, in writing, by the parent or guardian to supervise such young adult.
- (3) Using a direct route to or from a place of employment.
- (4) Reacting to or responding to an emergency.
- (5) Participating in or observing athletic or recreational events, supervised by adults, on public parks or public playgrounds.
- (6) Attending any school, municipal, religious or recreational activity, function or other organized activity which is supervised by adults.
- (7) 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.

(Res. of 8-14-2006(01), § 3)

Sec. 24-14c. Enforcement.

If a police officer reasonably believes that a young adult is in violation of the provisions of this article, the officer shall notify the young adult and shall require the young adult to provide his or her name, address and telephone number and how to contact his or her parent or guardian. The police officer shall contact the parent or guardian and instruct the parent or guardian to come and take charge of the young adult. The young adult shall be released to the custody of a parent or guardian or to an adult authorized by the parent or guardian. If the parent or guardian cannot be located or refuses to take charge of the young adult, the police officer shall contact the department of social services and instruct the department to take charge of the young adult.

(Res. of 8-14-2006(01), § 4)

Sec. 24-14d. Penalties.

- (a) Any young adult, parent or guardian who violates any provision of this article shall be issued a warning for the first violation.
- (b) Any violations subsequent to the warning by a young adult may be adjudicated by the court pursuant to the North Carolina Juvenile Code. The said young adult shall be subject to being adjudicated delinquent.
- (c) Any violations subsequent to the warning by an adult shall be a misdemeanor as defined by G.S. Ch. 14.
- (d) Any violation subsequent to the warning shall be subject to a civil penalty of \$25.00 for the first violation and \$100.00 for all subsequent violations. All civil penalties imposed by this subsection shall be paid to the town office within 30 days of the penalty.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in effect from and after 12:01 AM the day after its final passage and approval.

PASSED, APPROVED, and ADOPTED this 15th day of August 2023.



Brenda Brown, Mayor

Attest:



Louise Bennett, Town Clerk



