
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: PATRICK J. ROLLINS, CHIEF OF POLICE
SUBJECT: DISCUSSION: AMMENDING TITLE 5 CHAPTER 3 CURFEW
AGENDA: OCTOBER 20, 2020
DATE: OCTOBER 15, 2020

ISSUE

Should the Village amend Title 5 Chapter 3- Curfew.

DISCUSSION

The Village of Sugar Grove Code of Ordinances has a regulation regarding Curfew. The standing ordinance was passed back on June 20, 2006. Curfew is a status offense meaning that it is a non-criminal act, but is a violation only because of the age of the individual as a minor. Examples include: running away from home, underage use of alcohol, possession of tobacco, truancy, and curfew to name just a few.

Upon review of our existing ordinance on Curfew, and aligning it with our neighboring jurisdictions and the State Statute, the age restriction of being under 18 years of age vs. 17 years of age has caused some confusion with parents. Parents need a flow chart for those with young adults at 17 years of age are permitted out after curfew in one jurisdiction and not permitted in ours. Sugar Grove is more restrictive on the age, which is permitted under the Statute, but has caused some inconsistencies in our geographical area. In addition, the language in our ordinance could better reflect/mirror what the State has enacted back in 2013. Most young adults are now traveling by vehicles outside their own communities, and could be lawful in one community and in violation in the next-door community.

In addition, there are some definitions and clarification exception parameters in the State Statute that have been updated since Sugar Grove passed their ordinance back in 2006.

Village of Sugar Grove

5-3-1: CURFEW HOURS; AGE RESTRICTION:

A. It is unlawful for any person under the age of ~~eighteen (18)~~ seventeen (17) to be present at or upon any public assembly, building, place, street or highway during the hours of applicability, as described in subsection C of this section, unless such person satisfies one of the exceptions described in subsection B of this section.

B. No person shall be convicted of a violation of this chapter if such person:

1. Is accompanied and supervised by a parent or legal guardian; or
2. Is accompanied and supervised by some other responsible companion at least ~~twenty one (21)~~ eighteen (18) years of age, with their parent or legal guardian's knowledge and consent; or
3. Is presently in a motor vehicle engaged in interstate or international travel; or
4. Is engaged on a necessary errand specifically authorized in a writing by the minor's parent or legal guardian that features the following information:
 - a. The specific date and time of the errand;
 - b. The point of origination and destination for the errand; and
 - c. The purpose of the errand; or
5. Is participating in, heading directly to, or returning directly from, without detour or stop:
 - a. Lawful employment; or
 - b. School sanctioned activity; or
 - c. A religious event; or
 - d. An emergency involving the protection of a person or property from an imminent and unforeseen threat of serious bodily injury or substantial damage; or
 - e. An activity involving the exercise of the minor's rights protected under the first amendment to the United States constitution or protected under article I, section 4 or 5 of the Illinois state constitution; and the minor's home or residence; or
6. Is on the sidewalk abutting the minor's residence; or
7. Is married, has been married, or is an emancipated minor under the Emancipation of ~~minors~~ Minors act Act.

C. The hours of applicability of this chapter are as follows:

1. For persons who are under the age of ~~eighteen (18)~~ seventeen (17), the hours of applicability shall be:

a. Between one minute after twelve o'clock (12:01) A.M. and six o'clock (6:00) A.M. Saturday and Sunday.

b. Between eleven o'clock (11:00) P.M. on Sunday through Thursday, inclusive, and six o'clock (6:00) A.M. on the following day.

D. Law enforcement officers involved in the enforcement of this chapter shall issue citation or make arrest, as appropriate, only after inquiry into the alleged violator's reason for being in a public place during curfew hours, and after such inquiry, then only if the officer reasonably believes that the person has violated this chapter and that such person's activities do not fall within the class of exceptions described in subsection B of this section. (Ord. 2006-06-20A, 6-20-2006)

E. Definitions:

1. "Emergency" means an 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.

2. "Guardian" means:

_____ (A) a person who, under court order, is the guardian of the person of a minor: or

_____ (B) a public or private agency with whom a minor has been placed by a court.

_____ (C) "Parent" means a person who is: a natural parent, adoptive parent, or step-parent of another person:

3. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Staff recommends that the Village Board authorize staff to prepare an ordinance amending Title 5 Chapter 3.

COST

N/A

RECOMMENDATION – That the Village Board direct staff to amend Title 5 Chapter 3 regarding curfew to closely mirror the State Statute