

CHAPTER 131: MINORS

Section

- 131.01 Curfew - established; parental responsibility
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§ 131.01 CURFEW - ESTABLISHED; PARENTAL RESPONSIBILITY.

- (A) It shall be unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, place, street, highway, or other public place or way at the following times:
 - (1) For persons less than 13 years of age, between 9:00 p.m. and 6:00 a.m. the following day on any day of the week.
 - (2) For persons at least 13 years of age, but not yet 17 years of age:
 - (a) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.
 - (b) Between 12:01 a.m. and 6:00 a.m. Saturday and Sunday.
- (B) It is a defense to a violation under this chapter that the child engaged in the prohibited conduct while:
 - (1) Accompanied by the child's parent, legal guardian, custodian, sibling, stepbrother, or stepsister at least 18 years of age;
 - (2) Accompanied by an adult at least 21 years of age approved by the child's parent, guardian, or custodian.
 - (3) Participating in, going to, or returning from:
 - (a) Employment which the laws of this state authorize a person less than 17 years of age to perform;
 - (b) A school recreational activity;
 - (c) A religious event;
 - (d) An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - (e) An activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Sections 3, 4, and 5 of the Constitution of the State of Illinois, or both;
 - (f) An activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adult.

A citation for violation of division (A) of this section may be issued by a Police Officer only if he or she reasonably believes that a violation has occurred and none of the defenses enumerated in division (B) apply.

- (C) It is unlawful for a parent, legal guardian, custodian, or other person to knowingly permit a person in his custody or control to violate provisions of division (A) of this section. It shall be a rebuttable presumption that a person has violated this section if someone under 17 years of age of whom such person has custody or control is present upon any public assembly, building, business, street or highway, or other public place or public way in violation of division (A) of this section, and none of the defenses enumerated in division (B) hereof apply.
- (D) A person convicted of an offense under this chapter shall be subject to a penalty as set forth in § 10.99 of the village code.

§ 131.02 PARENTAL RESPONSIBILITY.

- (A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LEGAL GUARDIAN. A person appointed guardian, or given custody, of a minor by a circuit court of this state, but does not include a person appointed guardian or given custody of a minor under the State Juvenile Court Act.

MINOR. A person who has attained seven years of age, but who has not yet reached 18 years of age.

PERSON. Any individual, firm, partnership, association, corporation, company, or organization of any kind.

PROPERTY. Any real estate, including improvements thereon, and tangible personal property.

- (B) *Offenses.* Within the village, it shall be unlawful:

- (1) For any unemancipated minor to willfully or maliciously injure, or cause to be injured, any person or any property of another person without the person's consent; and
- (2) For any parent or guardian of any unemancipated minor living with its parents or guardian to neglect to restrain the minor from committing any act prohibited by division (B)(1) above. The commission of any act prohibited by division (B)(1) above by an unemancipated minor who is living with his or her parents or guardian shall raise the presumption that the parent or guardian has failed to exercise proper parental responsibility and the minor shall be deemed to have acted with the knowledge, permission, or acquiescence of the parent or guardian to prove that the parent or guardian exercised his or her duty to restrain the unemancipated minor from committing the act prohibited by division (B)(1) above complained of in the pending action, but that the action on the part of the parent or guardian to attempt to restrain the minor, although exercised with due care, was unsuccessful.

- (C) *Liability of parent or legal guardian of minor offender.*

- (1) The parent or legal guardian of an unemancipated minor defendant who resides with the parent or legal guardian shall be liable for actual damages for the willful or malicious acts of the minor which cause injury to a person or property, provided that the parent or legal

guardian has been served with summons or notice to appear in the original cause against the minor and all proceedings thereafter.

- (2) No recovery under this section may exceed \$500 actual damages for each person, or legal entity, as provided in applicable state law, for each occurrence of the willful or malicious acts by the minor causing injury, in addition to taxable court costs. In determining the damages to be allowed in an action under this section for personal injury, only medical, dental, and hospital expenses may be considered.
 - (3) Nothing herein shall preclude the additional civil remedies available to the person whose property has been damaged by any such minor.
- (D) *Effective date.* This section shall be in full force and effect upon its passage, approval, and publication in accordance with state statutes.
- (E) *Publication.* This section shall be and hereby is published by posting in accordance with state statutes.

(Ord. 6-6-B, passed 4-19-1978) Penalty, see § 131.99

§ 131.99 PENALTY.

- (A) A person convicted of a violation of any provision of § 131.01 shall be guilty of a petty offense and shall be fined not less than \$10 nor more than \$750.
- (B) Every unemancipated minor found guilty of an offense under § 131.02(B)(1) shall be subject to a fine not less than \$25 nor more than \$500 for each offense. Every person found guilty of an offense under § 131.02(B)(2) shall pay a fine not less than \$25 nor more than \$750.

(Ord. 6-6-A, passed 4-19-1978; Ord. 6-6-B, passed 4-19-1978)