**ORDINANCE NO. 16-2021**

**AMENDING ORDINANCE NO. 29-1994, ESTABLISHING A CURFEW FOR PERSONS AGE SEVENTEEN OR YOUNGER IN THE VILLAGE OF FAIRFAX AND ESTABLISHING THE PENALTIES FOR CURFEW VIOLATIONS, AND DECLARING AN EMERGENCY**

 **WHEREAS,** the Council of the Village of Fairfax, Ohio (“Village”) previously adopted Ordinance No. 29-1994, which amended Ordinances No. 4-1987 and No. 23-1987 by establishing a curfew for persons age seventeen years or younger, for the reasons stated therein, and providing the penalties therefor; and

 **WHEREAS,** the reasons for establishing such curfew remain valid, and an important law enforcement tool for the safety and well-being of Village residents and businesses; and

**WHEREAS,** the Village Police Department determined that there is a typographical error in Ordinance No. 29-1994 in need of correction, inadvertently establishing the start time for the curfew applicable to sixteen and seventeen-year old minors as 12:00 p.m. instead of 12:00 a.m., thereby extending the curfew twelve hours longer than intended; and

**WHEREAS,** the Village Police Department already enforces Ordinance No. 29-1994 to begin such curfew at 12:00 a.m. and, therefore, correcting the typographical error will not change the manner in which the Village Police Department enforces Ordinance No. 29-1994, and will narrow the scope of behavior prohibited by the ordinance rather than expanding such scope; and

**WHEREAS,** Council finds and determines that such typographical error may, and should, be corrected by emergency ordinance because of the immediate need for current enforcement of the curfew without disruption, and because such correction will simply align the ordinance with existing practice without limiting any notice due to minors or their parents or guardians;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Fairfax, State of Ohio that**:**

 **SECTION I:** Section 90.52(C) of Ordinance No. 4-1987, as set forth in Section I of Ordinance No. 29-1994, shall be, and is hereby, amended to read as follows:

(C) Unless one or more of the exceptions listed in division (D) of this section apply, it shall be unlawful for any minor ages sixteen or seventeen years of age to remain in, about, or upon any place in the Village away from the dwelling house or usual place of abode of the minor between the hours of 12:00 a.m. and 6:00 a.m.

 **SECTION II:** The existing Section 90.52(C) of Ordinance No. 4-1987, as set forth in Section I of Ordinance No. 29-1994, is hereby repealed.

 **SECTION III:** This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall be effective immediately. The reason for said declaration of emergency is the immediate need to enforce the Village’s criminal ordinances as intended for the safety and well-being of Village residents and businesses.

Passed this 19th day of April, 2021.

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 Mayor

ATTEST:

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Fiscal Officer

**CERTIFICATE**

I hereby certify this to be a true and correct copy of Ordinance No. 16-2021, passed at a meeting of the Council of the Village of Fairfax on this 19th day of April, 2021.

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 Fiscal Officer