

ORDINANCE NO. (2026-XXX)
AN ORDINANCE TO ESTABLISH A YOUTH PROTECTION AND CURFEW
PROVISIONS WITHIN THE RALEIGH CITY CODE OF ORDINANCES

WHEREAS, the City Council finds that protecting juveniles from victimization and exposure to criminal activity is essential to the health, safety, and welfare of the City's residents and visitors and to the peaceful conduct of ordinary activities, including recreation, work, and communication; and

WHEREAS, N.C. Gen. Stat. § 160A-174 grants the City authority to define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens or to the peace and dignity of the City, and authorizes the City to define and abate nuisances consistent with the Constitution and laws of North Carolina and the United States; and

WHEREAS, N.C. Gen. Stat. § 160A-198 grants the City the authority to impose a curfew on persons of any age less than eighteen (18); and

WHEREAS, the City Council finds that juveniles are increasingly involved in aggravated assaults and weapons offenses, and

WHEREAS, the City Council finds that the effective supervision of juveniles and the accountability of parents and other responsible adults are essential to the health, safety, and welfare of the City's residents and visitors and to the peaceful conduct of ordinary activities, including recreation, work, and communication; and

WHEREAS, the City Council recognizes that regulations affecting speech and the right to peaceably assemble must be drafted and applied in a content-neutral manner to protect the freedoms of expression and peaceful assembly guaranteed by Sections 12, 13, and 14 of the North Carolina Constitution and the First Amendment to the United States Constitution; and

WHEREAS, the City Council intends that this Ordinance impose only narrowly tailored, content-neutral regulations and that its provisions be interpreted and applied in a manner that does not infringe upon constitutionally protected rights;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. The City of Raleigh City Code of Ordinances (the "Code") is hereby amended by adding the following (Chapter 6. - Youth Protection and Curfew) to Part 13 of the Code:

CHAPTER 6 . – YOUTH PROTECTION AND CURFEW

Sec. 13-6000. Purpose.

The purpose of this article is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for juveniles under the age of 18 years in the city. This article is intended to reinforce and promote the role of the parent in raising and guiding children and promote the health, safety, and welfare of both juveniles and adults by creating an environment offering better protection and security for all concerned.

This article does not amend or limit, in any way, the authority provided within Section 1-1051.

Sec. 13-6001. Definitions.

As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

Direct route. The shortest reasonable path of travel or a commonly used route to reach a final destination without any detour or stop along the way.

Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life. This term also includes any action that is reasonably necessary in order to respond to the medical needs of a family member of the juvenile, regardless of whether the juvenile's action is taken in order to prevent death or serious bodily injury.

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

Juvenile. Any person under the age of eighteen (18) years who is not married, a member of the United States Armed Forces, or emancipated.

Owner/operator. Any individual, firm, association, partnership or corporation, operating, managing or conducting any establishment, including the employees, members or partners of an association or partnership and the officers of a corporation.

Parent. Any person having legal custody of a juvenile (i) as a natural, foster, or adoptive parent, (ii) as a legal guardian, (iii) as a person who stands in loco parentis, or (iv) as a person to whom legal custody has been given by court order.

Public place. 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-ways, 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 that are open to the public, and other common areas open to or accessible to the public.

Remain. To linger or stay in a public place, to fail to leave the premises when requested to do so by a police officer, or to fail to leave the premises of an establishment when requested to do so by the owner/operator or employee of the premises.

Restricted hours. The time of night referred to herein will be based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at that hour by the public in the City of Raleigh, North Carolina. Restricted hours will mean: On any day of the week, 11:00 p.m. until 5:00 a.m. of the following day.

Sec. 13-6002. Offenses.

Except as provided by section 13-6003, the following offenses constitute a violation of this section:

- (1) It shall be a violation of this section during the restricted hours for any juvenile under the age of eighteen (18) years to be or remain in or upon any public place or establishment within the City of Raleigh, except as permitted in section 13-6003 of this article.
- (2) It shall be a violation of this section for any person eighteen (18) years or older to aid or abet a juvenile in the violation of subsection (1).
- (3) It shall be a violation of this section for a parent or legal guardian of a juvenile to knowingly permit, and/or by inadequate supervision or insufficient control, allow the juvenile to remain on the premises of any establishment or in any public place within the City of Raleigh during the restricted hours. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.
- (4) It shall be a violation of this section for a parent or guardian of a juvenile to refuse to take custody of the juvenile during the restricted hours.
- (5) It shall be a violation of this section for the owner, operator, or any employee of an establishment to knowingly allow a juvenile to remain upon the premises of the establishment during the restricted hours. The term "knowingly" includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment. The standard for "knowingly" shall be applied through an objective test: whether a reasonable person in the operator's or employee's position should have known that the patron was a juvenile in violation of this article.

Sec. 13-6003. Exceptions.

A juvenile shall not be in violation of this section if the juvenile is:

- (1) Accompanied by a parent or legal guardian;
- (2) Accompanied by an adult 21 years of age or older authorized by the parent or guardian of such juvenile to take the parent's or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area.
- (3) On an errand or travelling to or from a private event using a direct route to or from the juvenile's home, at the direction of the juvenile's parent or guardian or with the consent of the juvenile's parent or guardian.

- (4) In a motor vehicle with parental consent engaged in travel to or from other jurisdictions through the city or originating or terminating in the city.
- (5) Traveling in a motor vehicle with a parent or guardian or traveling in a motor vehicle with an adult 21 years of age or older authorized by the parent or guardian of such juvenile to take the parent's or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area.
- (6) Engaged in a lawful employment activity, or using a direct route to or from a place of employment.
- (7) Reacting or responding to an emergency.
- (8) Attending or traveling to or from, by direct route, an official school, religious, or recreational activity that is supervised by adults and sponsored by a public or private school, the city or other governmental entity, a civic organization, or another similar entity that accepts responsibility for the juvenile.
- (9) 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.
- (10) Married, a member of the United States Armed Forces, or emancipated.
- (11) Enrolled as a student at a college or university and can provide proof of enrollment.

Sec. 13-6004. Defense.

It is a defense to prosecution under Sec. 13-6002(5) that the owner, operator, or employee of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during the restricted hours and the juvenile refused to leave.

Sec. 13-6005. -Enforcement.

- (a) Before taking any enforcement action under this article, a police officer shall verify the juvenile's age and reason for being in the public place or establishment during restricted hours.
- (b) The officer shall not prepare a juvenile petition or issue a citation under this article unless the officer has probable cause to believe that an offense has occurred and that, based on any response and other circumstances, no exception or defense in Sec. 13-6003 and Sec. 13-6004 is present.

Sec. 13-6006. Penalties.

- (a) A juvenile who violates any provision of this section is subject to being adjudicated delinquent. The court may, at its discretion, impose any dispositional alternative(s) that are provided in the North Carolina Juvenile Code for any juvenile who is delinquent.

(b) A violation under this section by any other person may be punishable as a Class 3 misdemeanor and may be subject to a fine not to exceed five hundred dollars (\$500.00) pursuant to G.S. 160A-175 and G.S. 14-4.

Section 2. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 3. This ordinance shall become effective upon adoption by the City Council at its second reading.

Date of First Reading:

Date of Second Reading:

Date of Adoption:

Distribution: City Manager – Adams-David
City Attorney – McDonald, Poole, Gessner, Hargrove-Bailey
Police – Boyce

Prepared by the City Attorney's Office