



# Youth Protection Safety Ordinance

*Erin Swinney, Police Attorney*

*May 27, 2025*

- Establishes a curfew
- Juveniles 16 years of age & under
- 11:00 p.m. to 6:00 a.m. EST.



- *Direct route* means 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* means an unforeseen combination of circumstances or the resulting state that calls for immediate action.
- *Establishment* means any privately owned place of business operated for profit to which the public has access or is invited.
- *Owner/operator* means 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.
- *Guardian* means a person who is court appointed to be the guardian of a juvenile.
- *Juvenile* means any person 16 years of age and under.
- *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.
- *Remain* means 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.

1. When a juvenile is in a public space without a legal basis during the restricted hours;
2. When a parent or guardian knowingly permits or allows (because of insufficient control) the juvenile to be out in a public place during the restricted hours without a legal basis;
3. When the owner, operator, or employee of an establishment knowingly permits a juvenile to remain on the premises during the restricted hours;
4. When someone 17 years of age or older aids and abets a juvenile to be out in a public space without a legal basis during the restricted hours; or
5. When a parent or guardian refuses to take custody of the juvenile during the restricted hours.

- Knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody.
  - Objective Test: Would a parent reasonably have known that the juvenile was out in a public place during restricted hours?
    - Is this a one-off event or a pattern of behavior?
    - If a pattern of behavior, have any actions been taken by the parent to address said behavior?
- Knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment.
  - Objective Test: Would a reasonable person in that operator/employee position know that the juvenile was in violation of the ordinance?
    - Steps taken to verify ages of patrons in establishment after 11:00 p.m.

- Juvenile is with their parent or guardian;
- Accompanied by an adult 21 years old or older with permission of the parent/guardian for a designated time frame and area;
- Running an errand for their parents IF they are on the direct route until 11:30 p.m.;
- In a motor vehicle with parental consent traveling through the city;
- Traveling in a motor vehicle with an adult 21 years of age or older with parental consent for a designated period of time and purpose within a specified area;
- Engaged in lawful employment or getting to and from work using a direct route;
- Reacting or responding to an emergency;

- Attending or traveling along a direct route to and from an official school, religious, or recreational activity supervised by adults and sponsored by either a school, city, other governmental agency, or civil organization;
- Exercising their First Amendment Rights (religion, speech, and right of assembly);
- Married or emancipated;
- Received permission from the Chief of Police or their designee (written permit); or
- Chief of police has temporarily authorized extending the curfew for no longer than an hour after the activity that needed the extension is over.

- The first step of the officer's investigation after developing reasonable suspicion would be to ask the potential juvenile's age and reason for being out during the restricted hours.
- If there is a legal basis for being out during the restricted hours or a defense, no criminal action should be taken.

- A juvenile in violation is subject to being adjudicated as delinquent.
- Any other person is subject to a class three (3) misdemeanor and a fine not to exceed \$500.



Coming to Council on June 9, 2025	In Development – Returning Later
Ordinance Implementation Strategy	Crime Stoppers Reward Policy Mechanism
Training Plan and Grace Period Rollout	Special Event Bag/Mask Policy & Infrastructure Needs
Youth Pilot Program Schedule (June-August)	Post-Pilot Evaluation Framework
PD Technology Coordination Summary	
Charlotte Benchmarking Highlights	
Public Facing Summary Sheet	

# Youth Protection Ordinance Taskforce

## Structure & Working groups

Council Direction

Task Force Coordination  
City Manager's Office

Ordinance  
Implementation  
FPD / CAO / CMO

Youth Programming  
Pilot  
OCS / ECD / P&R

PD Technology  
Expansion  
IT / FPD / Budget

Special Event Policy  
P&R / FFD / Special  
Event Committee

Crime Stoppers  
Rewards  
FPD / CMO / Budget

Stakeholder  
Engagement &  
Benchmarking  
CMO / OCS / FPD / CAO

# Questions



[FayettevilleNC.gov](http://FayettevilleNC.gov)