



Ratification
Number 2025-090

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 21, TO ADD A NEW SECTION 21-114 TO ESTABLISH A JUVENILE CURFEW IN THE CITY OF CHARLESTON.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 21, of the Code of the City of Charleston is hereby amended by Reserving Sections 21-115 through 21-125 which shall read as follows:

“Secs. 21-115—21-125. – Reserved”

Section 2. Chapter 21, of the Code of the City of Charleston is hereby amended by adding thereto Section 21-114 with the following double-underlined words and phrases which shall read as follows:

Sec. 21-114 Juvenile Curfew

(a) **Findings.** The Mayor and City Council have determined that violent and other crimes committed by persons 17 years of age and younger, within the City of Charleston, specifically within the Central Business District, **as defined below**, is a threat to public health, safety and general welfare. It has been determined that juveniles have contributed to criminal activity in the area, including but not limited to disorderly conduct, auto theft, assault and battery, robbery, narcotics offenses, and underage drinking. The Mayor and Council have determined that juveniles are particularly susceptible, because of a lack of maturity and experience, to participate in unlawful and gang-related activities and to be the victims of older perpetrators of crime. The Mayor and Council have an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over, and responsibility for children, for the protection of the general public, and for the reduction of the incidences of juvenile criminal activities. The Mayor and Council have determined that a juvenile curfew for those under the age of 17 years will be in the interest of the public health, safety, and general welfare to attain these objectives and diminish the undesirable impact of

this conduct on the citizens and visitors of the City of Charleston. The Mayor and Council have determined that passage of a curfew law will also protect the welfare of juveniles by:

1. Reducing the likelihood that juveniles will be the victims of criminal activity during the curfew hours;
2. Reducing the likelihood that juveniles will become involved in criminal acts or exposed to narcotic trafficking during the curfew hours;
3. Aiding parents or guardians in carrying out their responsibility to exercise reasonable supervision of juveniles entrusted to their care.

(b) Definitions.

1. Curfew Hours: from 9:00 p.m. until 6:00 a.m. on any Thursday, Friday, Saturday or Sunday. During the months of **June, July, and August, the term "curfew hours" means from 9:00 p.m. until 6:00 a.m. all seven days of the week .**
2. Emergency: an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term "emergency" includes, but is not limited to, a fire, natural disaster, an automobile accident, or any situation that requires immediate action to prevent serious bodily injury or loss of life.
3. Establishment: any privately-owned place of business operated for a profit, to which the public is invited, or to any non-profit organization licensed to sell or serve beer, wine or other alcoholic beverage, including, but not limited to any place of amusement or entertainment. With respect to such establishment, the term "operator" shall mean any person, and any firm, association, partnership (and the members or partners thereof) and/or any corporation (and the officers thereof) conducting or managing that establishment.
4. Juvenile: Seventeen (17) years of age and under.
5. Public Place: any place to which the public, or a substantial group of the public, has access, and includes, but is not limited to: parks, parking lots, streets, highways, playgrounds, transportation facilities, sidewalks, the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
6. Remain: to linger or stay or fail to leave the premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
7. **Central Business District: For purposes of the Juvenile Curfew within the Central Business District, this District shall consist of the area identified in the map attached hereto as Exhibit A, entitled "Central Business District-Juvenile Curfew" which will be reviewed from time to time by city council. A copy of the map shall be made available to the public online at the website for the business and neighborhood services division of the department of planning and preservation.**

(c) Prohibition.

1. It shall be unlawful for a juvenile to remain in or upon any public place, to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon the premises of any establishment within the Central Business District during curfew hours.

2. It shall be unlawful for a juvenile's parent or person responsible for the juvenile's welfare as defined by South Carolina Code § 63-7-20 (18), to knowingly permit, by insufficient control allow, or encourage such juvenile to violate subsection 1.
3. It shall be unlawful for a person who is the owner or operator of any motor vehicle to knowingly permit, allow or encourage a violation of subsection 1.
4. It shall be unlawful for the operator of any establishment located in the Central Business District, or for any person who is an employee thereof, to knowingly permit, allow or encourage a juvenile to remain upon the premises of the establishment during curfew hours. It shall be a defense to prosecution under this subsection that the operator or employee of an establishment promptly notified the Charleston Police Department that a juvenile was present at the establishment during curfew hours and refused to leave.
5. It shall be unlawful for any person, including a juvenile, to give a false name, date of birth, address, or telephone number to any officer investigating a possible violation of this division.

(d) Exceptions:

1. The juvenile is accompanied by a parent or person responsible for the juveniles' welfare as defined by S.C. Code Sec. 63-7-20 (18); or
2. The juvenile is engaged in an employment activity, on an errand at the direction of the juvenile's parent or person responsible for the juvenile's welfare as defined by S.C. Code Sec. 63-74-20(18), or is going to or returning home from such activity, without detour or stop; or
3. The juvenile is in a motor vehicle, train or bus involved in interstate travel;
4. The juvenile is involved in an emergency;
5. The juvenile is on the sidewalk that abuts the juvenile's residence;
6. The juvenile is attending an activity sponsored by a school, religious, or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such an activity without detour or stop; or
7. The juvenile is exercising First Amendment rights protected by the United States Constitution, including free exercise of religion, freedom of speech, and the right of assembly.

(e) Enforcement:

1. Prior to taking enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (d) of this section is proffered or present.
2. If a police officer determines that a minor is committing a curfew offense the officer shall take the juvenile into custody as provided in S.C. Code Sec. 63-19-810. Where appropriate the juvenile may be released to a parent or other person as provided therein.

(f)Penalties:

1. A juvenile who violates this subchapter shall have their case adjudicated and disposed of in accordance with the South Carolina Juvenile Justice Code.
2. An adult who violates this subchapter may be sentenced to pay a fine not exceeding five hundred dollars (\$500.00) or serve a term not exceeding thirty (30) days in jail.

(g) Severability: If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such declaration shall not affect the validity or the effectiveness of _____ the remaining portions of this section or any part thereof which can be given meaning without the offensive subsection, sentence, clause, phrase or word.

Section 3. This Ordinance shall become effective upon ratification.


Ratified in City Council this 17th day of
June In the Year of Our Lord, 2025,
and in the 249th Year of the Independence of
the United States of America

By:



William S. Cogswell, Jr., Mayor

ATTEST:



Jennifer Cook
Clerk of Council