

CHAPTER 6: GENERAL REGULATIONS

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ORDINANCE 63 CURFEW

Section 63.01: PURPOSE.

Subd. 1: The City Council determines that there has been an increase in juvenile violence, juvenile gang activity, and crime by Persons under the age of 18 in the City.

Subd. 2: Persons under the age of 18 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

Subd. 3: The City has 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 incidence of juvenile criminal activities; and

Subd. 4: A curfew for those under the age of 18 will be in the interest of the public health, safety and general welfare and will help to attain the foregoing objectives and diminish the undesirable impact of such conduct on the citizens of the City.

Section 63.02: DEFINITIONS.

Subd. 1: Curfew Hours means:

- a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 5:00 a.m. of the following day; and
- b) 12:01 a.m. until 5:00 a.m. on any Friday or Saturday.

Subd. 2: Emergency. Means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Subd. 3: Establishment. Means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

Subd. 4: Guardian. Means:

- a) A Person who, under court order, is the guardian of the Person of a minor; or

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- b) A public or private agency with whom a minor has been placed by a court.

Subd. 5: Minor. Means any Person under 18 years of age.

Subd. 6: Operator. Means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Subd. 7: Parent. Means a Person who is:

- a) A natural parent, adoptive parent or step-parent of another Person; or
- b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

Subd. 8: Public Place. Means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Subd. 9: Remain. Means to:

- a) Linger or stay; or
- b) 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.

Subd. 10: Serious Bodily Injury. Means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Section 63.03: RESTRICTIONS. It shall be unlawful for any:

Subd. 1: Minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

Subd. 2: Parent or guardian of a minor to knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours. The term “knowingly” includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in the legal custody of that parent or guardian.

Subd. 3: Owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

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Section 63.04: EXCEPTIONS. The following shall constitute valid exceptions to the operation of the curfew. That the minor was:

Subd. 1: Accompanied by the minor's parent or guardian.

Subd. 2: On an errand at the direction of the minor's parent or guardian, without any detour or stop.

Subd. 3: In a motor vehicle involved in interstate travel.

Subd. 4: Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop.

Subd. 5: Involved in an emergency.

Subd. 6: On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence.

Subd. 7: Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor.

Subd. 8: Exercising First Amendment rights protected by the United States Constitution.

Subd. 9: Married or had been married.

Section 63.05: OPERATOR'S DEFENSE. It is a defense to prosecution under Section 63.03 that the owner, operator employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Section 63.06: ENFORCEMENT. The Police Department shall enforce this Ordinance. Before taking any enforcement action, a police officer shall ask the apparent offender's age and reason for being in the public place. The police 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 Section 63.04 is present.

Section 63.07: PENALTIES. A Person violating this Ordinance shall be guilty of separate offense for each day or part of a day during which the violation is committed, continued or permitted. Minors convicted of violations of this Ordinance and any adult person having care, custody and control of such minor shall be fined as established in Appendix A.

Section 63.07 amended on 1/4/06

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Section 63.08: ORDINANCE NOT PERMISSIVE. This Ordinance shall not permit any Person under eighteen (18) years of age to be in any place where an existing law now prohibits his or her presence. Any operator violating this Ordinance shall be guilty of a misdemeanor.

Section 63.09: DELINQUENT CHILD. Any Person under eighteen (18) years of age who violates this Ordinance shall be deemed a delinquent child as defined in Minnesota Statutes §260.01, as amended.