

ORDINANCE NO. 118B
CURFEW

An Ordinance regulating the presence of minors under the age of 16 years on the streets or in public places between the hours of 9:30 P.M. and 5:00 A.M. Defining the duties of parents and others in the care of minors and providing for penalties for violations thereof.

SECTION 1.

It shall be unlawful for any minor under the age of 16 years to loiter, idle or be in or upon the public streets, highways, parks, playgrounds or other public grounds, public place, places of entertainment or refreshment or any other unsupervised places within this city between the hours of 9:30 PM and 5:00 AM the following day; provided however that the provisions of this section shall not apply to such minor accompanied by his or her parent, guardian or other person having the care and custody of the said minor or when the minor is upon some necessary errand by permission or direction of said parent, guardian or other said adult person having the care and custody of the said minor.

SECTION 2.

It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of 16 years of age, to permit such minor to loiter, idle or be in or upon the public streets, highways, parks, playgrounds or other public places, places of entertainment or refreshment or other unsupervised places within the City between the hours of 9:30 PM and 5:00 AM of the following day; provided however, that the provisions of this Section shall not apply when the said minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor.

SECTION 3.

Any minor under the age of 16 years or any parent, guardian or other adult person having the care and custody of a minor under the age of 16 years who shall violate the provisions of this ordinance shall upon conviction thereof be guilty of a misdemeanor and punished according to the law.

SECTION 4.

Violations

(A) A police officer who has probable cause to believe that a child is in violation of this ordinance shall take such child to the police station where the child's parents or guardian shall be immediately contacted. If after this contact there is still probable cause to believe that the child was violating this ordinance, the child shall be held until the parent or guardian comes to take the child home. When the parent or guardian arrives, he or she must be given a copy of this law. If

no parent or guardian has arrived within two hours, the child shall be turned over to the custody of the juvenile authorities until a parent or guardian can take custody of him or her.

(B) In the case of a first violation by a minor, a fine of \$25 may be imposed. Upon a second violation, a fine of \$50 may be imposed. Any minor who violates the curfew ordinance more than three times shall be reported by the police to the juvenile authorities.

(C) In the event of serious violations of this ordinance, the parents are hereby notified that further action may be taken pursuant to the following statute:
Minnesota Statute 260.315 Contributing to Neglect or Delinquency

"Any person who by act, word or omission encourages, causes or contributes to the neglect of delinquency of a child, and such act, word or omission is not by other provisions of law declared to be a felony, shall be guilty of a misdemeanor."

A child is defined as a person being under the age of 18.

A misdemeanor is punishable by a \$700 fine or 90 days in jail or both.

SECTION 5.

Ordinance No. 81 is hereby repealed.

Ordinance No. 109 is hereby repealed

PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING.

This 10 day of September, 2001

ATTEST: Teri Osterman, City Clerk/Treasurer

APPROVED: Fred Daggett, Mayor

EFFECTIVE UPON PUBLICATION

(Frazee Forum 9/13/01)