

ORDINANCE NUMBER 168

AN ORDINANCE TO REGULATE THE PRESENCE AND CONDUCT OF JUVENILES ON STREETS, PUBLIC PLACES AND ESTABLISHMENTS, WITHIN THE LIMITS OF THE CITY OF CARLTON, DEFINING DUTIES OF PARENTS OR OTHERS IN CHARGE OF JUVENILES, PROVIDING FOR PROCEDURES AND PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, The City Council has determined that there has been an increase in juvenile criminal activity and violence, and in potentially gang related activity by persons under the age of 18 in the City of Carlton and,

WHEREAS, Persons under the age of 18 are particularly susceptible as a result of their lack of maturity and experience to participation in unlawful and gang-related activities and are also more likely to be victims of older perpetrators of crime, and

WHEREAS, The City of Carlton has an interest and obligation in providing for the protection of juveniles from other persons, in the enforcement of parental control over and responsibility for children, in the reduction of the incidence of juvenile criminal activities and in protecting its citizenry; and

WHEREAS, A curfew for those under the age of 18 would be in the best interest of the public health, safety, and general welfare and will help diminish the undesirable impact of such conduct on the citizens of Carlton,

The City Council of the City of Carlton Minnesota hereby Ordains:

Section I. Definitions

(a) CURFEW HOURS MEAN;

(1) 10:00pm on any Sunday, Monday, Tuesday, Wednesday or Thursday, until 6:00am of the following day, and

(2) 11:00pm on any Friday and Saturday until 6:00am the following day.

(b) EMERGENCY means an unforeseen combination of circumstance 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.

(c) 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.

(d) GUARDIAN means;

(1) A person who, under court order, is the guardian of the person of a juvenile; or

(2) A public or private agency with whom a juvenile has been placed by a court of law.

(e) JUVENILE means any person under 18 years of age.

(f) 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.

(g) PARENT means a person who is;

(1) A natural parent, adopted parent, or step-parent of another person, or

(2) A person at least 18 years of age and authorized in writing by a parent or guardian to have the care and custody of a juvenile.

(h) 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, churches, apartment houses, office buildings, transport facilities, and shops.

(i) REMAIN means to;

(1) Linger or stay; or

(2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Section II. Restrictions

- (a) It shall be unlawful for any juvenile to remain in any public place or on the premises of any establishment within the City during curfew hours.
- (b) It shall be unlawful for any parent or guardian of a juvenile to knowingly permit, or by insufficient control allow, the juvenile 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 juvenile in the legal custody of the parent or guardian.
- (c) It shall be unlawful for any owner, operator, or any employee of an establishment to knowingly allow a juvenile to remain upon the premises of the establishment during curfew hours.

Section III. Exceptions

- (a) The following shall constitute valid exceptions to the operation of the curfew. That the juvenile was:
 - (1) Accompanied by the juvenile's parent or guardian; or
 - (2) An errand at the direction of juvenile's parent or guardian, without any detour or stop; or
 - (3) In a motor vehicle involved in interstate travel; or
 - (4) Engaged in an employment activity, or going to or returning home from employment activity, without any detour or stop; or
 - (5) Involved in an emergency; or
 - (6) On the sidewalk or curb abutting the juvenile's residence or abutting the residence of a next-door neighbor who did not complain to the police department about the juvenile's presence; or
 - (7) With the consent of parent or guardian is attending an official school, religious, or other recreational activity supervised by adults or sponsored by the City of Carlton, a civic organization, or another similar entity that takes responsibility for the juvenile, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults or sponsored by the City of Carlton, or civic organization, or another similar entity that takes responsibility, or
 - (8) Is married or had been married and/or legally emancipated.
- (b) It is a defense to prosecution under Section II 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 curfew hours and refused to leave.

Section IV. Enforcement

Before taking any enforcement action under this section, a police officer is authorized and shall ask the apparent offender's age and reason for being in a public place. The officer shall not issue a citation or make an arrest under the section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception listed in Section III is applicable.

Section V. Penalties

- (a) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.
- (b) Any juvenile who is convicted of a violation of this ordinance after the case has been referred for prosecution in the trial court under Minnesota Statute S 260.15 and any adult persons having the care and custody of such minor, is guilty of a petty misdemeanor and shall be punished by a fine not to exceed \$ 200.00.

Section VI. That the terms and provisions of this ordinance are severable. If any provision of this ordinance is, for any reason, held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance. It is intended that the Curfew Ordinance is to be held inapplicable in such cases, if any, where its application would be unconstitutional.

Section VII. That this ordinance shall take effect immediately from and after its passage and publication according to law.

Passed by the City Council September 9, 1997.

CITY OF CARLTON

By: Katherine Clara Smith
Mayor

ATTEST:

Joyce Beckstrom
City Clerk/Treas.