

City of Cuyuna, Minnesota

ORDINANCE NO. 801

Curfew

July 27, 2000

CUYUNA ORDINANCE 801
AN ORDINANCE ESTABLISHING CURFEW HOURS AND PROVIDING A
PENALTY FOR VIOLATION

The Council of the City of Cuyuna, Minnesota, ordains:

- (a) *Definitions.* The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Curfew hours means:

- (1) For minors 15 years of age and under, 10:00 p.m. to 6:00 a.m.
- (2) For minors 16 and 17 years of age, 12:00 a.m. midnight to 6:00 a.m.

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.

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.

Guardian means a:

- (1) Person who, under court order, is the guardian of the person of a minor; or
- (2) Public or private agency with whom a minor has been placed by a court.

Minor means any person age 17 and under.

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.

Parent means a person who is:

- (1) A natural parent, adoptive parent or stepparent of another person; or

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

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.

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.

School night means those nights in which the superintendent of public schools of the city shall designate, at his discretion, school nights. The school nights shall be those nights in which school shall be engaged in athletic, musical or social activities for the benefit of any of its students. If the superintendent elects to designate a certain night during the school year as a school night, it shall be the duty of the superintendent to notify the chief of police at least 24 hours in advance that a certain night has been designated a school night.

Serious Bodily Injury means bodily injury that created a substantial risk of death that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(b) *Restrictions.*

- (1) It shall be unlawful for any minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (2) It shall be unlawful for any 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.

- (3) It shall be unlawful for any owner, operator or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.
- (c) *Exceptions.* The following shall constitute valid exceptions to the operation of the curfew: That the minor was
- (1) Accompanied by the minor's parent or guardian;
 - (2) On an errand by permission or direction of the minor's parent, guardian or employer, which permission shall be in writing and signed by such parent, guardian or employer;
 - (3) Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
 - (4) Involved in an emergency;
 - (5) Lawfully attending or going to or returning from any school function on any properly designated school night; however, the limitations and provisions of this section shall in all respects apply on any such school night between the hours of 12:00 midnight and 6:00 a.m.; or
 - (6) Attending an official 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 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.
- (d) *Violations.* Any minor who violates any of the provisions of this section shall be subject to arrest by any police officer. Before 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 (c) of this section is present. If a citation is issued, parents will be given a report of curfew violation, which they will be asked to read and sign.
- (e) *Penalties.*

- (1) *Separate offense.* A person who violates a provision in this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted.
- (2) *First violation.* A minor, following the first violation of this section shall be taken home to a parent or guardian and a “Report of Curfew Violations” shall be signed by the parent or guardian.
- (3) *Second violation.* A second violation by any minor shall be referred for prosecution by the appropriate authorities. Any minor who is convicted of a violation of this section, after the case has been referred for prosecution, and any adult person having the care and custody of such minor is guilty of a petty misdemeanor and shall be punished by a fine not to exceed \$100.00.
- (4) *Additional violations.* Additional violations by any minor shall be considered a petty misdemeanor and shall be punished by a fine not to exceed \$200.00. Any additional violations by any adult person having care and custody of such a minor shall be a misdemeanor, punishable by a fine not to exceed \$700.00 and/or a jail sentence not to exceed 90 days.

Provisions of State Law Adopted. The provisions of Minnesota Statutes, Chapter 145A.05, Subd. 9, relating to the Authority to adopt a curfew ordinance, are incorporated herein as if set out in full.

Effective Date. This ordinance becomes effective upon its passage and publication according to law.

Passed by the council this _____ day of _____, 2000.

Ruth Imberi, Mayor

ATTEST:

William Bedard, Clerk

CUYUNA ORDINANCE NO. 801
AN ORDINANCE ESTABLISHING CURFEW HOURS

The following official summary of Ordinance No. 801 has been approved by the city council of Cuyuna as clearly informing the public of the intent and effect of this ordinance:

The ordinance, among other things, establishes curfew hours, for minors 15 years of age and under, 10:00 p.m. to 6:00 a.m.; for minors 16 and 17 years of age, 12:00 a.m. midnight to 6:00 a.m.; and to provide a penalty for violation.

The ordinance contains sections with the following headings: (a) *Definitions*, (b) *Restrictions*, (c) *Exceptions*, (d) *Violations*, and (e) *Penalties* .

A printed copy of the ordinance is available for inspection by any person through the office of the city clerk.

Passed by the council this _____ day of _____, 2000.

Published in the Cuyuna-Ironton Courier on _____, 19__.

ATTEST:

Ruth Imberi, Mayor

William Bedard, Clerk