

## **ORDINANCE NO. 87**

### **AN ORDINANCE DEFINING CURFEW FOR MINORS AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF**

#### **I. DEFINITIONS**

- A. **CURFEW HOURS MEAN:**
1. In the case of persons 13 years of age or younger, on any day of the week, 9:00 P.M. until 6:00 A.M. the following day; and
  2. In the case of persons 14 and 15 years of age, on any day of the week, 10:00 P.M. until 6:00 A.M. the following day; and
  3. In case of persons 16 years of age on any day of the week, 11:00 P.M. until 6:00 A.M. the following day; and
  4. In the case of persons 17 years of age, on any day of the week, 12:00 A.M. until 6:00 A.M. the following day
- B. **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.
- C. **ESTABLISHMENT** means 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 a minor; or
  2. a public or private agency with whom a minor has been placed by court
- E. **MINOR** 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, adoptive parents, or step-parent of another person
  2. a responsible adult authorized by parent or guardian to have care and custody of a minor.
- 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, parks, highways, and the common areas of schools, hospitals, 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.

- J. **SERIOUS BODILY INJURY** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or impairment of the function of any bodily member or organ.

## **II. RESTRICTIONS**

- A. It shall be unlawful for any minor to remain in any public place or on the premises of any establishment within the County during curfew hours.
- B. 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 of Brownton 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.
- C. 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.

## **III. EXCEPTIONS**

- A. The following shall constitute valid exception to the operation of the curfew. That the minor was:
1. accompanied by the minor's parent or guardian;
  2. on an errand at the direction of the minor's parent or guardian, without any detour or stop;
  3. in a motor vehicle involved in interstate travel with a parent;
  4. engaged in employment activity, or going to or returning home from an employment activity, without any detour or stop;
  5. involved in an emergency;
  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 Sheriff's Office about the minor's presence;
  7. attending an official school, religious, or other recreational activity supervised by adults and sponsored by the County of McLeod, 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 County of McLeod, a civic organization, or another similar entity that takes responsibility for the minor;
  8. exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or married or has been married.

- B. It is a defense to prosecution under Section 2 that the owner, operator, or employee of an establishment promptly notified the Brownton Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

#### **IV. ENFORCEMENT**

Before taking any enforcement action under this section, an 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 ordinance unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3 is present.

#### **V. PENALTIES**

- A. A person who violates a provision of this ordinance 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 minor who is convicted of a violation of this ordinance after the case has been referred for prosecution in the trial court under Minnesota Statute 260.125, and any adult person having the care and custody of such minor, is guilty of a petty misdemeanor and shall be punished as provided by this ordinance.
- C. That the terms and provisions of this ordinance are severable. If any provision is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. It is intended that the ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional.

This Ordinance shall repeal Ordinance No. 46 dated April 7, 1992, and shall take effect and be in force from and after its publication in the official newspaper of the City of Brownton.

Adopted and approved by the City Council this 7<sup>th</sup> day of August 2007.

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Curtis Carrigan, Mayor

Attest:

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Cynthia Lindeman, Clerk