

Chapter #5 CURFEW ORDINANCE

501.01. Intent. An ordinance regulating the presence and conduct of minors on streets and other public places; defining duties of parents or others in care of minors; providing for procedures and penalties for violations thereof.

501.02. Definitions.

Subd. 1. **Curfew hours.** 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and 11:00 p.m. until 6:00 a.m. on any Friday or Saturday.

Subd. 2. **Emergency.** 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.** 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.** A person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by a court.

Subd. 5. **Minor.** Any person under 17 years of age.

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

Subd. 7. **Parent.** A person who is a natural parent, adoptive parent, or step-parent of another person; or 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.** 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.** To linger or stay; or 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.

Subd. 10. **Serious bodily injury.** 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.

501.03. Restrictions.

Subd. 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.

Subd. 2. It shall be unlawful for any parent or guardian of a minor to knowingly 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. 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.

501.04. Exceptions. The following shall constitute valid exceptions to the operation of the curfew. That the minor was:

- a. Accompanied by the minor's parent or guardian;
- b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- c. In a motor vehicle involved in interstate travel;
- d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- e. Involved in an emergency
- f. 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;
- g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Pierz, 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 of Pierz, a civic organization, or another similar entity that takes responsibility for the minor;
- h. 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
- i. Married or had been married.

Subd. 1. It is a defense to prosecution under Section 501.03, Subd. 3, that the owner, operator or 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.

501.05. Enforcement. Before taking any 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 Section 501.04 is present.

501.06. Penalties. 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. Any minor who is convicted of a violation of this ordinance after the case has been referred for prosecution in the trial court under Minn Stat. 260B.101 et. Sq. 1, and any adult person having the care and custody of such minor, is guilty of a petty misdemeanor.