

ORDINANCE NO. 95-B

AN ORDINANCE RESTRICTING THE HOURS DURING WHICH CHILDREN UNDER THE AGE OF 18 MAY BE UPON PUBLIC PROPERTY AND PROVIDING A PENALTY FOR VIOLATION.

Minnesota Statute 260.315 Contributing to the Neglect or Delinquency

"Any person who by act, word, or omission encourages, causes or contributes to the neglect or 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."

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

A Misdemeanor is punishable by a \$700.00 fine or 90 days in jail or both.

The Council of the City of New York Mills ordains:

Section 1: Statement of Authority: The City Council, pursuant to the authority hereby enacts as follows:

Section 2: Statement of Purpose: In order to reduce juvenile crime, protect the children of this municipality, and reinforce parental authority, it is necessary that a curfew be established to keep minors out of public areas after dark.

Section 3: Restrictions: It shall be unlawful for any child under the age of eighteen (18) to remain in or upon any public street, highway, park, vacant lot, or other public places between the hours of 11:00 p.m. and 6:00 a.m.

Section 4: Exemptions: The following shall constitute valid exceptions to the operation of the curfew:

- a. At any time, if the child is accompanied by his or her parent, legal guardian, or other responsible person who is over the age of twenty-one (21) and approved by the child's parent or legal guardian;
- b. Until the hour of 12:30 a.m. if the child is on an errand as directed by his or her parent or legal guardian;
- c. If the child is legally employed, for the period from one-half (1/2) hour before to one-half (1/2) hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the child is in a public place during curfew hours in the course of his/her employment. To come under this exception, the child must be carrying a written statement from the employer attesting to the place and hours of employment;
- d. Until the hour of 12:30 a.m., if the child is on the property of or the sidewalk directly adjacent to the building in which he or she resides or the buildings immediately adjacent thereto if the owner of the adjacent building does not object;
- e. If the child is coming directly home from a school activity or an activity of a religious or other voluntary association, or place of public entertainment, such as a movie, play, or sporting event. This exception will apply for one-half (1/2) after the completion of such even, but in no case beyond 12:30 a.m.

If the event is not commercial in nature or does not have a fixed, publicly known time at which it will end, the sponsoring organization must register the event with the police department 24 hours in advance, informing it of the time such event is scheduled to begin, the place at which it shall end, and the name of the sponsoring organization;

- f. If the minor is exercising first amendment right protected by the Constitution, such as the free exercise of religion, speech or assembly, provided the minor first has given notice to the mayor by delivering a written communication signed by the minor and countersigned by a parent of the minor which specifies when, where, in what manner and for what first amendment purpose the minor will be on the streets at night during curfew period.

Section 5: 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/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/she must be given a copy of this law. If no parent or guardian has arrived within two (2) hours, the child shall be turned over to the custody of the juvenile authorities until a parent or guardian can take custody of him/her;
- b. In the case of a first violation by a minor, the police shall send the minor's parents/legal guardians written notice of the violation, warning them that further violations will result in imposition of the penalty provided for in the law. Upon a second violation, a fine of \$20.00 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/guardians are hereby notified that further action may be taken pursuant to Minnesota Statute 260.315 as defined above.

Section 6: Severability: In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not effect the remainder of said local law which shall remain in full force and effect.

PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING ON THIS 12TH DAY OF JULY, 1994.

ATTEST:

Wayne Mattson
City Clerk

Mayor