

ORDINANCE NO. 174

AN ORDINANCE NO. 174 AMENDING ORDINANCE NO. 23

BEING AN ORDINANCE TO PREVENT CHILDREN OF TENDER AGE FROM BEING UPON STREETS OF THE CITY OF IVANHOE DURING THE NIGHT TIME

- 1.) **Juvenile under Age Sixteen.** It is unlawful for any minor person under the age of sixteen (16) years to be in or upon or loiter at any public place within the City of Ivanhoe unless accompanied by a responsible adult between the hours of 12:00 a.m. and 5:00 a.m. of the following morning from Sunday through Saturday.
- 2.) **Juvenile Age Sixteen (16) or Seventeen (17).** It is unlawful for any minor person at least age sixteen (16) but under the age of eighteen (18) unless accompanied by a responsible adult to be in or upon or loiter at any public place within the City of Ivanhoe between the hours of 12:00 a.m. and 5 a.m. of the following morning from Sunday through Saturday.
- 3.) **Responsibility of Parent or Guardian.** It is unlawful for any parent, guardian or other person having the legal care or custody of any minor person to allow or permit the minor person to violate 1 or 2, provided that such person may not be prosecuted under 3, unless he has been notified in writing of a prior curfew violation committed by the minor person. Such notification may be made by any law enforcement officer, probation officer, court services officer, or court administrator, and may be either personally served or mailed.
- 4.) **Responsibility of Business.** It is unlawful for any person operating, or in charge of any place of amusement, entertainment or refreshment, or other place of business, to allow or permit any minor person to be or loiter in such place in violation of the Ordinance unless such minor person is accompanied by a responsible adult having the minor person in charge. This subsection shall not be construed to permit the presence, at any time, of any underage person in any place where his presence is otherwise prohibited by law.

5.) Definitions.

5.1) “Public Place” means an area generally visible to public view, and includes but is not limited to streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances of buildings or dwellings and the grounds enclosing them.

5.2) “Responsible Adult” means a parent, guardian, other person having the legal care and custody of a minor person, and any adult designated to care for the minor person by a parent, guardian or other person having the legal care and custody of a minor person.

6.) Exemptions. The provisions of this Ordinance shall not apply when the minor is:

6.1) Accompanied by his or her parent, guardian, other person having the legal care and custody of the minor person, or by a responsible adult;

6.2) Upon an emergency errand directed by such minor person’s parent, guardian or other person having the legal care and custody of the minor person;

6.3) Returning directly home from an adult organized/supervised activity or a place of public entertainment, such as a movie, play or sporting event, provided that, this section will apply for only one-half hour after the completion of such event;

6.4) Traveling by a direct route to or from an event sponsored by an accredited educational institution;

6.5) Returning directly home from lawful employment that makes it necessary to in the places referenced in this section during the proscribed period of time;

6.6) Attending or traveling directly to or from a church or school sponsored activity or involving the exercise of First Amendment rights of free speech, freedom of assembly or free exercise of religion;

6.7) Engaged in interstate travel with the consent of parent, guardian, or other person having the legal care and custody of the minor person.

7.) Penalties for Violation.

7.1) Any minor person who violates 1, 2 shall be guilty of a juvenile petty offense as defined in M.S.A. 260B.007, subd 16;

7.2) Upon detaining a minor person for a first offense, a peace officer may:

7.2.1) Notify the minor person's parent, guardian, or other person having the legal care and custody of the minor person by telephone, and, if approved by the parent, guardian, or other person having the legal care and custody of the minor person, allow the minor person to proceed directly home;

7.2.2) Deliver the minor person into the hands of the parent, guardian, or other person having the legal care and custody of the minor person;

7.2.3) Transport the minor person to the police department and notify the minor person's parent, guardian, or other person having the legal care and custody of the minor person to call for him;

7.2.4) If the minor person's parent, guardian, or other person having the legal care and custody of the minor person cannot be located within a reasonable length of time, the minor person shall be turned over to social services for placement in emergency foster care.

7.3) A second or subsequent offense by a minor person shall be dealt with in accordance with juvenile law and court procedure. Sentencing may be based on alternatives set forth in M.S.A. c 260B.235, subd. 4, which are deemed appropriate for the minor person in question, and may include:

7.3.1 Requiring the minor person to pay a fine of up to \$100.00;

7.3.2 Requiring the minor person to participate in a community service project;

7.3.3 Requiring the minor person to participate in a drug awareness program;

7.3.4 Requiring the minor person to undergo a chemical dependency evaluation and if warranted by this evaluation, order participation by the minor person in an outpatient chemical dependency treatment program;

7.3.5 Performing any other activities or participate in any other outpatient treatment programs deemed appropriate by the court.

7.4) A parent, guardian or other person having the legal care and custody of the minor person who violates 1. and 2. Shall be guilty of a misdemeanor. Sentence may include, but is not limited to:

7.4.1 Payment of a fine;

7.4.2 Participation in family counseling or education

7.4.3 Participation in a community service project for a period of time directed by the court.

7.5) A person in charge of a business who violates 4. Shall be guilty of a misdemeanor. Sentence may include, but is not limited to:

7.5.1 Payment of a fine;

7.5.2 Participation in a community service project for a period of time directed by the court.

8.) Written Documentation. Written documentation shall be made of all curfew violations with one (1) copy to the minor person's parent, guardian or other person having the legal care and custody of the minor person, and one (1) retained for police records.

Passed by the Council this 29th day of May, 2018.

A handwritten signature in cursive script, reading "Dennis A. Klingbile", written over a horizontal line.

Mayor, Dennis Klingbile

A handwritten signature in cursive script, reading "Carol A. Renken", written over a horizontal line.

Administrator, Carol Renken