

## CHAPTER 130: OFFENSES AGAINST MORALS

### Section

#### *Curfew*

- 130.01 Definitions
- 130.02 Prohibited acts
- 130.03 Defenses
- 130.04 Violations

#### *Cross-reference:*

- Gambling regulations, see Chapter 116*
- Liquor regulations; minors, see § 114.45*

### ***CURFEW***

#### **§ 130.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**EMERGENCY.** A circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury, or loss of life.

**ESTABLISHMENT.** Any privately owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment, or refreshment.

**GUARDIAN.** An adult appointed pursuant to M.S. §§ 525.6155 or 525.8165, as amended from time to time, who has the power and responsibilities of a parent as defined by M.S. § 525.619, as amended from time to time.

**JUVENILE.** A person 17 years of age or younger who is not married or who has not been legally emancipated.

**PARENT.** Birth parents, adoptive parents, and step parents.

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

**PUBLIC PLACE.** Any place to which the public or a substantial group of the public has access, and including but not limited to streets, highways, alleys, parking lots, parks, and the common areas of libraries, schools, hospitals, apartment houses, office buildings, transport facilities, shopping areas, and shops.

**RESPONSIBLE ADULT.** A person over the age of 18 years specifically authorized by the parent or guardian of the juvenile to have custody and control of the juvenile.

**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 body part or organ.

(Ord. 313, passed 4-20-95)

## § 130.02 PROHIBITED ACTS.

(A) *Juveniles under the age of 15.* It is unlawful for a juvenile under the age of 15 years to be present in any public place or establishment within the city:

- (1) From 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 5:00 a.m. of the following day; or
- (2) From 11:00 p.m. on any Friday or Saturday until 5:00 a.m. on the following day.

(B) *Juveniles 15, 16, or 17 years of age.* It is unlawful for a juvenile aged 15, 16, or 17 to be present in any public place or establishment within the city:

- (1) From 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 5:00 a.m. of the following day; or
- (2) From 12:01 a.m. to 5:00 a.m. on any Saturday or Sunday.

(C) *Parents or guardians.* It is unlawful for a parent or guardian of a juvenile to knowingly, or through negligent supervision, permit the juvenile to be in any public place or establishment within the city during the hours prohibited in divisions (A) and (B) of this section.

(D) *Proprietors.* It is unlawful for a proprietor of an establishment within the city to knowingly permit a juvenile to remain in the establishment or on the property of the establishment during the hours prohibited in divisions (A) and (B) of this section. If the proprietor is not present at the time of the curfew violation, the responding officer shall leave written notice of the violation with an employee of the establishment. A copy of the written notice shall be served upon the establishment's proprietor personally or by certified mail.

(Ord. 313, passed 4-20-95) Penalty, see § 10.99

**§ 130.03 DEFENSES.**

(A) It is an affirmative defense for a juvenile to prove that:

- (1) The juvenile was accompanied by his or her parent, guardian, or other responsible adult;
- (2) The juvenile was engaged in a lawful employment activity or was going to or returning from an employment activity without any detour or stop;
- (3) An emergency situation existed;
- (4) The juvenile was attending an official school, religious, or other recreational activity supervised by adults and sponsored and/or supervised by a public entity, a civic organization, a religious organization, or another similar entity that took responsibility for the juvenile, or was going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored and/or supervised by a public entity, a civic organization, a religious organization, or another similar entity that took responsibility for the juvenile;
- (5) The juvenile was on an errand at the discretion of the juvenile's parent or guardian without any detour or stop;
- (6) The juvenile was exercising First Amendment rights protected by the United States Constitution or Article 1 of the Constitution of the state;
- (7) The juvenile was engaged in interstate travel; or
- (8) The juvenile was on the public right-of-way, boulevard, alley, or sidewalk abutting the juvenile's residence or abutting the residence of his or her next-door neighbor.

(B) It is an affirmative defense for a proprietor of an establishment to prove that:

(1) The proprietor reasonably and in good faith relied upon a juvenile's representatives of proof of age. Proof of age may be established pursuant to M.S. § 340A.503(6), as amended from time to time, or other verifiable means, including, but not limited to, school identification cards and birth certificates; or

(2) The proprietor promptly notified the responsible police agency that a juvenile was present on the premises of the establishment during curfew hours.

(Ord. 313, passed 4-20-95)

#### **§ 130.04 VIOLATIONS.**

Violation of this subchapter is a misdemeanor under state law and shall be punished as provided in § 10.99.

(Ord. 313, passed 4-20-95)