

**803.1000: CURFEW:**

803.1001 **Purpose:** The curfew for minors established by this subsection is maintained for four primary reasons:

- hours;
- (1) To protect the public from illegal acts of minors committed during the curfew hours;
  - (2) To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs;
  - (3) To protect minors from criminal activity that occurs during the curfew hours; and
  - (4) To help parents control their minor children.

803.1002 **Definitions:** For the purpose of this subsection, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***Emergency Errand.*** A task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor's household. The term shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or fire department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or human-made calamity.

***Official City Time.*** The time of day as determined by reference to the master clock located at Scott County Dispatch Center.

***Places of Amusement, Entertainment or Refreshment.*** Those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants and pool halls.

***Primary Care or Primary Custody.*** The person who is responsible for providing food, clothing, shelter and other basic necessities to the minor. The person providing primary care or custody to the minor shall not be another minor.

***School Activity.*** An event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

803.1003 **Hours:**

- (1) ***Minors under the age of 12 years.*** No minor under the age of 12 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings nor in or upon places of amusement, entertainment or refreshment nor in or upon any vacant lot, between the hours:
  - (a) Any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. the following day, official city time;
  - (b) Any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day, official city time.

- (2) *Minors ages of 12, 13 or 14 years.* No minor of the ages of 12, 13 or 14 shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings nor in or upon places of amusement, entertainment or refreshment nor in or upon any vacant lot, between the hours:
- (a) Any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. the following day, official city time;
  - (b) Any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day, official city time.
- (3) *Minors ages 15, 16 or 17 years.* No minor of the ages of 15, 16 or 17 shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings nor in or upon places of amusement, entertainment or refreshment nor in or upon any vacant lot, between the hours:
- (a) Any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. the following day, official city time;
  - (b) Any time between 12:01 a.m. and 5 a.m. on any Saturday or Sunday, official city time.

803.1004 **Effect on control by adult responsible for minor:** Nothing in this subsection shall be construed to give a minor the right to stay out until the curfew hours designated in this subsection if otherwise directed by a parent, guardian, or other adult person having the primary care and custody of the minor; nor shall this subsection be construed to diminish or impair the control of the adult person having the primary care or custody of the minor.

803.1005 **Exceptions:** The provisions of this subsection shall not apply in the following situations:

- (1) To a minor accompanied by his or her parent or guardian, or other adult person having the primary care and custody of the minor;
- (2) To a minor who is upon an emergency errand;
- (3) To a minor who is in any of the places described in this subsection if in connection with or as required by an employer engaged in a lawful business, trade, profession, or occupation; or to a minor traveling directly to or from the location of such business trade, profession, or occupation and the minor's residence. Minors who fall within the scope of this exception shall carry written proof of employment and proof of the hours the employer requires the minor's presence at work;
- (4) To a minor who is participating in or traveling directly to or from an event which has been officially designated as a school activity by public or parochial school authorities; or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the city, a civic organization, school, religious institution, or similar entity that takes responsibility for the minor and with the permission of the minor's parent, guardian, or other adult person having the primary care and custody of the minor;
- (5) To a minor who is passing through the city in the course of interstate travel

- during the hours of curfew;
- (6) To a minor who is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or freedom of religion;
  - (7) To minors on the sidewalk abutting his or her residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the city's designated law enforcement provider about the minor's presence;
  - (8) To a minor who is married or has been married, or is otherwise legally emancipated; or
  - (9) To a minor who is on an errand at the direction of a parent or guardian.

803.1006 **Duties of person legally responsible for minor:** No parent, guardian, or other adult having the primary care or custody of any minor shall permit any violation of the requirements of this subsection by the minor.

803.1007 **Duties of other persons:** No person operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor to enter or remain in his or her place of business during the hours prohibited by this subsection unless the minor is accompanied by his or her parent, guardian or other adult person having primary care or custody of the minor, or unless one of the exceptions to this subsection apply.

803.1008 **Penalties:**

- (1) *Minors.* Any person under the age of 18 found to be in violation of this subsection may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in Minn. Stat. Chap. 260B, as it may be amended from time to time.
- (2) *Adults.* Any person 18 years or older found to be in violation of this subsection shall be guilty of a misdemeanor and may be sentenced up to the maximum penalty authorized by state law for a misdemeanor.

803.1009 **Defense:** It shall be a defense to prosecution under this subsection that:

- (1) The owner, operator, or employee of an establishment promptly notified the city's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours; or
- (2) The owner, operator or employee reasonably and in good faith relied upon a juvenile's representations of proof of age. Proof of age may be established pursuant to M.S. § 340A.503, Subd. 6 or other verifiable means, including, but not limited to, school identification cards and birth certificates.

(Amd. by Ord 116-01, pub. 02/06/16)