

CURFEW FOR MINORS

AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS IN THE CITY OF OAK PARK HEIGHTS AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

1102.01 Findings and Purpose.

- A. In recent years, there has been a significant increase in juvenile victimization and crime. At the same time, the crimes committed by and against juveniles have become more violent. A significant percentage of juvenile crime occurs during curfew hours.
- B. Because of their lack of maturity and experience, juveniles are particularly susceptible to becoming victims of older perpetrators. The younger a person is, the more likely he or she is to be victim of crime.
- C. While parents have the primary responsibility to provide for the safety and welfare of juveniles, Oak Park Heights also has a substantial interest in the safety and welfare of juveniles. Moreover, Oak Park Heights has an interest in preventing juvenile crime, promoting parental supervision, and providing for the well being of the general public.
- D. A curfew will reduce juvenile victimization and crime and will advance public safety, health, and general welfare.

1102.02 Definitions.

- A. “Juvenile” means a person under the age of seventeen (17). The term does not include persons under 17 who are married or have been legally emancipated.
- B. “Parent” means birth parents, adoptive parents, and step parents.
- C. “Guardian” means an adult appointed pursuant to Minn. Stat. §524.5-201 as defined in Minn. Stat. §524.5-102, subd. 5 or who has the powers and responsibilities of a parent as defined by Minn. Stat. §524.5-102, subd. 12.
- D. “Responsible Adult” means a person over the age of eighteen (18) specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.

- E. “Public Place” means 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.
- F. “Emergency” means a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury, or loss of life.
- G. “Serious Bodily Injury” means 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.
- H. “Establishment” means any privately-owned place of business to which the public is invited, including, but not limited to, any place of amusement, entertainment, or refreshment.
- I. “Proprietor” means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

1102.03 Restricted Times.

It is unlawful for a juvenile under the age of fifteen (15) to be present in any public place or establishment within Oak Park Heights:

- A. Any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day.
- B. Any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

1102.04 Parental Responsibility.

It is unlawful for a parent or guardian of a juvenile knowingly, or through negligent supervision, to permit the juvenile to be in any public place or establishment within Oak Park Heights during the hours prohibited in Paragraphs A and B of §1102.03.

1102.05 Proprietor’s Responsibility.

- A. It is unlawful for a proprietor of an establishment within Oak Park Heights to knowingly permit a juvenile to remain in the establishment or on the establishment’s property during the hours prohibited in Paragraphs A and B of §1102.03 provided, however, that the provisions of this Section shall not

apply when such juvenile is accompanied by his parent, guardian, or responsible adult.

- B. 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.

1102.06 Designated Social Nights.

The Mayor of the City Council, upon request of the Superintendent of any school in the District, may designate certain nights during the school year as "social nights" at such times as the school shall be engaged in athletic, musical, dramatic, or social activities for the benefit or entertainment of its students. §1102.03 A, B and §1102.05 shall not be applicable when a minor is lawfully going to, attending, or returning from a school function on a designated "social night," or 4-H, church, scout, or other recognized community function.

1102.07 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 home from his or her place of employment.
3. The juvenile was involved in an emergency situation.
4. The juvenile was going to, attending, or returning home from an official school, religious, or other recreation activity sponsored and/or supervised by a public entity or a civic organization.
5. The juvenile was on an errand by permission or direction of a parent or guardian, and that said permission was in writing and signed by such parent or guardian.
6. The juvenile was exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota.
7. The juvenile was engaged in interstate travel.

8. The juvenile was on he public right-of-way boulevard or sidewalk abutting the property containing the juvenile’s residence or abutting the neighborhood property, structure, or residence.

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

1. The proprietor 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 Minn. Stat. §340A.503, subd. 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates.

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

1102.08

Penalty.

A. Violation of §1102.03 A or B will be prosecuted pursuant to Minn. Stat. §260.195 and will be subject to the penalties therein.

B. Violation of §1102.04 or §1102.05 is a misdemeanor and will be subject to the penalty set forth in Minn. Stat. §609.09(3).

1102.09

Review.

The City Council shall conduct yearly review of this Ordinance to assess the effectiveness of and continuing need for a juvenile curfew. Prior to the annual review, the City Attorney shall prepare and submit a report to the City Council evaluating violations of this Ordinance and juvenile crime and victimization during the preceding year.