

**CHAPTER 3****POLICE REGULATION****310. CURFEW****Section 310.01. Findings and Purpose.**

**Subd. 1.** 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.

**Subd. 2.** 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 a victim of crime.

**Subd. 3.** While parents have the primary responsibility to provide for the safety and welfare of juveniles, the city also has a substantial interest in the safety and welfare of juveniles. Moreover, the city has an interest in preventing juvenile crime, promoting parental supervision, and providing for the well being of the general public.

**Subd. 4.** A city-wide curfew will reduce juvenile victimization and crime and will advance public safety, health, and general welfare.

**Section 310.03. Definitions.** The following words and terms, when used in this ordinance, shall have the meanings given to them, unless the context clearly indicates otherwise:

**Subd. 1.** "Juvenile" means a person under the age of eighteen (18). The term does not include persons under 18 who are married or have been legally emancipated.

**Subd. 2.** "Parent" means a birth parent, adoptive parent, or step-parent.

**Subd. 3.** "Guardian" means an adult appointed pursuant to Minn. Stat. §525.6155 or §525.6165 who has the powers and responsibilities of a parent as defined by Minn. Stat. §525.619.

**Subd. 4.** "Responsible adult" means a person eighteen (18) years or older specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.

**Subd. 5.** "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.

**Subd. 6.** "Emergency" means a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.

**Subd. 7.** "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.

**Subd. 8.** "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.

**Subd. 9.** "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.

**Section 310.05. Prohibited Acts.**

**Subd. 1.** It is unlawful for a juvenile under the age of 12 to be present in any public place or establishment within the city:

- (a) any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day; or
- (b) any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

**Subd. 2.** It is unlawful for a juvenile, age 12 to 14, to be present in any public place or establishment within the city:

- (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; or
- (b) any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

**Subd. 3.** It is unlawful for a juvenile, age 15 to 17, to be present in any public place or establishment within the city:

- (a) any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day; or
- (b) any time between 12:01 a.m. and 5:00 a.m. on any Saturday or Sunday.

**Subd. 4.** 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 the city during the hours prohibited in subdivisions 1, 2, or 3 of this section.

**Subd. 5.** It is unlawful for a proprietor of an establishment within the city knowingly to permit a juvenile to remain in the establishment or on the establishment's property during the hours prohibited in subdivisions 1, 2, or 3 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.

**Section 310.07. Defenses.**

**Subd. 1.** It is an affirmative defense for a juvenile to prove that:

- (a) the juvenile was accompanied by his or her parent, guardian, or other responsible adult;
- (b) the juvenile was engaged in a lawful employment activity or was going to or returning home from his or her place of employment;
- (c) the juvenile was involved in an emergency situation;
- (d) the juvenile was going to, attending, or returning home from an official school, religious, or other recreational activity sponsored and/or supervised by a public entity or a civic organization;
- (e) the juvenile was on an errand at the direction of a parent or guardian;
- (f) the juvenile was exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota;
- (g) the juvenile was engaged in interstate travel; or
- (h) the juvenile was on the public right-of-way boulevard or sidewalk abutting the property containing the juvenile's residence or abutting the neighboring property, structure, or residence.

**Subd. 2.** It is an affirmative defense for a proprietor of an establishment to prove that:

- (a) 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; or
- (b) the proprietor or employee promptly notified the responsible police agency that a juvenile was present on the premises of the establishment during curfew hours.

**Section 310.09. Penalty.**

**Subd. 1.** Violation of subs. 1, 2 or 3 of section 310.05 will be prosecuted pursuant to Minn. Stat. §260.195 and will be subject to the penalties therein.

**Subd. 2.** Violation of subs. 4 or 5 of section 310.05 is a misdemeanor and will be subject to the penalty set forth in Minn. Stat. §609.03.

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**Amendment History of this Section**

*Previously Amended May 19, 1992 (Ord. 269). Previous wording of Section 310 was repealed in its entirety and replaced by the language from Ord. 269.*

*Adopted May 21, 2005, (Ord. 350). Previous wording of Section 310 was repealed in its entirety and replaced with the language from Ord. 350.*