

ROBERTS CITY ORDINANCE # 497

AN ORDINANCE PROVIDING FOR A CURFEW WITHIN THE CONFINES OF
THE CITY OF ROBERTS FOR MINORS UNDER 18 YEARS OF AGE AND
PROVIDING DEFINITIONS, ENFORCEMENT AND ENFORCEMENT
PROCEDURES

PURPOSE

DEFINITIONS

JUVENILE CURFEWS

PARENTAL VIOLATIONS OF CURFEW HOURS

VIOLATION OF CURFEW HOURS BY BUSINESS ESTABLISHMENTS

DEFENSES

ENFORCEMENT

PENALTIES

SECTION 1

PURPOSE- The purposes of this chapter are:

- (A) To regulate and prohibit minors from remaining in public places during certain hours of the day;
- (B) To protect minors from each other and from other adult perpetrators of crime;
- (C) To reduce nocturnal juvenile crime and juvenile delinquency;
- (D) To promote family responsibility and parental control over their children; and
- (E) To protect and promote the peace, health, safety, welfare and tranquility of the inhabitants of the city.

SECTION 2

DEFINITIONS: Certain words and phrases used in this chapter are defined as follows:

A. CURFEW HOURS: The hours between 11:00 p.m. and 5:00 a.m. on week nights and midnight to 5:00 a.m. on weekends.

B. EMERGENCY: An unforeseen combination of circumstances or the resulting state, that calls for immediate action to prevent, control or minimize serious bodily injury, death or significant loss of property.

C. EMPLOYMENT ACTIVITY: The performance of any responsibilities or duties expressly or impliedly required as a condition of employment of a minor.

D. ESTABLISHMENT: Any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

E. GUARDIAN: A guardian is: 1) a person who, under court order, is the guardian of the person of a minor, 2) a public or private agency with whom a minor has been placed by order of a court; or 3) a person to whom a parent or guardian has delegated any of his or her powers with respect to a minor pursuant to Section 15-5-104 of the Idaho Code.

F. MINOR: Any person under eighteen (18) years of age.

G. OPERATOR: 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 which owns or operates an establishment.

H. PARENT: A person who is a natural parent, adoptive parent or step-parent of a minor.

I. PUBLIC PLACE: Any place to which the general public has access including, but not limited to, streets, highways, alleys, sidewalks and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities, shopping malls, public parking lots and commercial businesses.

J. REMAIN: To linger or stay or to fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of an establishment.

SECTION 3

JUVENILE CURFEW: Any minor who remains in any public place or on the premises of any establishment within the City of Roberts during curfew hours is guilty of a misdemeanor.

SECTION 4

PARENTAL VIOLATION OF CURFEW HOURS: Any parent or guardian of a minor is guilty of a misdemeanor if he or she knowingly permits, or by culpable indifference allows, such minor to remain in any public place or on the premises of any establishment within the City of Roberts during curfew hours.

SECTION 5

VIOLATION OF CURFEW HOURS BY BUSINESS ESTABLISHMENT: Any owner, operator or any employee or other person in control of an establishment is guilty of a misdemeanor if he or she knowingly or willingly allows such minor to be upon the premises of the establishment during curfew hours.

SECTION 6

DEFENSES:

(A) It is a defense to prosecution under this chapter if the offending minor was:

1. Accompanied by the minor's parent or guardian;
2. On an errand at the express direction of the minor's parent or guardian, without any detour or stop;
3. In a motor vehicle involved in interstate travel;
4. Engaged in employment activity or going to an employment activity or returning to the minor's place of residence, without any detour or stop;
5. Involved in an emergency;
6. Within the yard or upon the sidewalk abutting the minor's residence or abutting the residence of another adult with whom the parent or guardian of such minor has expressly placed temporary custody of the minor;
7. Attending an officially-sponsored school, religious or other recreational, cultural or educational activity supervised by adults and sponsored by a public entity or a religious, charitable, fraternal, civil or other similar organization organized by adults, or going to or returning home from such activities, without any detour or stop;
8. Exercising First Amendment Rights protected by the United States Constitution or

rights protected by Article I Section 9 of the Constitution of the State of Idaho;

9. Is married or has had the disabilities of minor removed in the manner provided by law.

(B) It is a defense to prosecution under Section 5 that the owner, operator or employee of an establishment asked the minor to leave the premises and promptly notified the law enforcement that a minor is present on the premises of the establishment during curfew hours and refuses to leave.

SECTION 7

ENFORCEMENT: Before taking any enforcement action under this section, a peace officer shall ask the apparent offending minor's age and reason for being in the public place or establishment. The peace officer shall not issue a citation or make an arrest under this chapter unless the officer reasonably believes that a misdemeanor has occurred and that, based on any response and all other circumstances, no defense is present. Any peace officer who arrests a minor under this chapter shall immediately take the minor to the Jefferson County Sheriff's Department and summon his or her parent or guardian. If the minor's parent or guardian arrive within a reasonable period of time, the minor shall be remanded to the custody of the parent or guardian and shall be released upon the recognizance of his or her parent or guardian.

SECTION 8

PENALTIES:

(A) Any person who violates a provision of this chapter, shall, upon his or her first conviction, be punished by a fine not to exceed \$50.00.

(B) Any person who violates a provision of this chapter within three years after another conviction for any other violation under this chapter, shall be punished, upon conviction, by a fine not to exceed \$300.00.

DONE AND DATED THIS 25th DAY OF October, 1994.

ATTEST:


Carmen Edelmaier

Dally Lounsbury
Mayor