

CHAPTER 140 – JUVENILE CURFEW

This Ordinance shall be known, cited and referred to as the “CITY OF SPRING GROVE JUVENILE CURFEW ORDINANCE” except as referenced to herein, where it shall be known as “this Ordinance.”

A. **PURPOSE.** An Ordinance regulating the presence and conduct of minors on streets and other public places; defining duties of parents and others in care of minors; providing for procedures and penalties for violations thereof.

B. **DEFINITIONS.** As used in this Chapter, unless otherwise stated in specific sections, the following words and terms shall have the meanings:

1. Curfew Hours.
 - a. 10:00 PM on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 AM of the following day; when age 16 or under, unless otherwise specified in this chapter.
 - b. 11:00 PM on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 AM of the following day; when between the ages of 17 and 18, unless otherwise specified in this chapter.
 - c. 11:00 PM on any Friday or Saturday until 6:00 AM of the following day; when age 16 or under, unless otherwise specified in this chapter.
 - d. 11:59 PM on any Friday or Saturday until 6:00 AM of the following day; when between the age of 17 and 18, unless otherwise specified in this chapter.
2. Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, automobile accidents or any other situation requiring immediate action to prevent serious bodily injury or loss of life.
3. 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.
4. Guardian. A person who, under court order, is the guardian of the minor; or a public or private agency with whom a minor has been placed by a court.
5. Minor. Any person under the age of 18.
6. 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.

7. Parent. A person who is the natural parent, adoptive parent or step parent of the minor.
8. Public Place. 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, hospital, apartment houses, office buildings and business district.
9. Remain. To linger or stay; or fail to leave the premises when requested to do so by a police officer or the owner, operator, or other person in control of the property.
10. 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 member or organ.
11. School Activity. Any event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

C. RESTRICTIONS.

1. It shall be unlawful for any minor to remain in any public place or on the premises of any establishment within the City of Spring Grove during curfew hours.
2. It shall be unlawful for any parent or guardian of a minor to knowingly permit, or by insufficient control allow the minor to remain in any public place or on the premises of an establishment within the City of Spring Grove during curfew hours. The term “knowingly” includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in the legal custody of that parent or guardian.
3. It shall be unlawful for any owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

D. EXCEPTIONS. The following shall constitute valid exceptions to the operation of the curfew.

1. The minor was accompanied by a parent or guardian.
2. The minor was on an errand at the direction of the minor’s parent or guardian, without any delay or stop.
3. The minor was in a motor vehicle involved in interstate travel or traveling on the highway through the City of Spring Grove.

4. The minor was engaged in an employment activity, or going to or returning home from, an employment activity without detour or delay.
5. The minor was involved in an emergency.
6. The minor was on the sidewalk abutting the minor's residence.
7. The minor was attending an official school, religious or other recreational activity supervised by adults and sponsored by the City of Spring Grove, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning from, without detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the City of Spring Grove, a civic organization or another similar entity that takes responsibility for the minor.
8. The minor was married or had been married.

E. DEFENSE. It is a defense to a prosecution under section 2 that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

F. PENALTY. A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continues or permitted. Any minor who is convicted of a violation of this ordinance after the case has been referred for prosecution in the trial court under MN Statute 260.125 and any adult person having the care and custody of such minor is guilty of a petty misdemeanor and shall be punished by a fine not to exceed \$300.00.

G. SEVERABILITY. The terms and provisions of this ordinance are severable. If any provisions of this Ordinance are, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. It is intended that the Curfew Ordinance be held inapplicable in cases, if anywhere its application would be unconstitutional.

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