

CITY OF ST. CLAIR
ORDINANCE # 2003-06

AN ORDINANCE SETTING A NIGHTTIME CURFEW FOR JUVENILES,
PROVIDING FOR PROCEDURES AND PENALTIES FOR VIOLAIONS AND
REPEALING ANY ORDINANCE IN CONFLICT WITH THIS ORDINANCE

THE CITY COUNCIL OF THE CITY OF ST. CLAIR HEREBY ORDAINS:

SECTION 1. PURPOSE.

In recent years, statistics indicate, that there has been a significant increase in juvenile victimization and crime in the United States. 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.

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.

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

A curfew will reduce juvenile victimization and crime and will advance public safety, health and general welfare.

SECTION 2. DEFINITIONS.

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

- a. Curfew Hours – means the hours a juvenile may not be present in any public place or on the premises of any establishment within the City of St. Clair.
- b. Emergency – means an unforeseen circumstance or combination of circumstances or the resulting state, that calls for immediate action to prevent property damage, serious bodily injury or loss of life.
- c. Establishment – means any privately owned place of business operated for profit to which the public is invited, including but not limited to any place of amusement, entertainment or refreshment.
- d. Guardian – means an adult appointed pursuant to MN Stat. 525.6155 or 525.6165 who has the powers and responsibilities as defined by MN Stat. 525.619.
- e. Juvenile – means any person under the age of eighteen (18). The term does not include persons under 18 who are married or have been legally emancipated.

- f. Parent – means birth parents, adoptive parents and stepparents.
- g. Premises – means a building or structure and the land around it.
- h. Proprietor – means any individual, firm, association, partnership or corporation, owning, operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- i. 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, alleys, sidewalks, parks, public parking lots, playgrounds and the common areas of schools, apartment houses, office buildings and shops or any other unsupervised places within the City of St. Clair.
- j. Remain – means to linger or stay; or to fail to leave the premises when requested to do so by a law enforcement officer or the owner, proprietor or other person in control of the premises.
- k. 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.

SECTION 3. PROHIBITED ACTS

- a. It is unlawful for a juvenile under the age of 12 to be present in any public place or on the premises of any establishment within the City of St. Clair:
 - 1) Any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day.
 - 2) Any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.
- b. It is unlawful for a juvenile, age 12 to 14, to be present in any public place or on the premises of any establishment within the City of St. Clair:
 - 1) Any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. the following day.
 - 2) Any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.
- c. It is unlawful for a juvenile, age 15 to 17, to be present in any public place or on the premises of any establishment within the City of St. Clair:
 - 3) Any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day.
 - 4) Any time between 12:01 a.m. and 5:00 a.m. on any Saturday or Sunday.
- d. It shall be unlawful for any juvenile to remain in any public place or on the premises of any establishment within the City of St. Clair during curfew hours.
- e. It shall be unlawful for any parent or guardian of a juvenile to knowingly permit, or by insufficient control, or through negligent supervision, to permit the juvenile to remain in any public place or on the premises of any establishment within the City of St. Clair during curfew

hours. The term “knowingly” includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of a juvenile in the legal custody of the parent or guardian.

- f. It shall be unlawful for any proprietor or any employee of an establishment within the City of St. Clair to knowingly permit a juvenile to remain on the premises of the establishment during curfew hours. If the proprietor is not present at the time of the curfew violation, the responding law enforcement 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 4. DEFENSES

- a. It is an affirmative defense for the juvenile to prove that:
 - 1) The juvenile was accompanied by the juvenile’s parent, guardian or other responsible adult.
 - 2) The juvenile was engaged in a lawful employment activity, or 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 recreational activity sponsored and/or supervised by a public entity or a civic organization or another similar entity that takes responsibility for the juvenile.
 - 5) The juvenile was on an errand at the direction of the juvenile’s parent or guardian.
 - 6) The juvenile was in a motor vehicle involved in interstate travel.
 - 7) 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.
- 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.
 - 2) The proprietor or employee promptly notified law enforcement officials that a juvenile was present on the premises of the establishment during curfew hours.

SECTION 5. ENFORCEMENT

Before taking any enforcement action under this Section, a law enforcement officer is authorized and shall ask the apparent offender’s age and reason for being in a public place. The officer shall not issue a citation or make an arrest under the Section unless the officer reasonably believes that an offense has

occurred and that, based on any response and other circumstances, no defenses listed under Section 4, a, are applicable.

SECTION 6. PENALTIES

- a. Violations of Section 3, a, b or c, will be prosecuted pursuant to MN Stat. 260B.235 and will be subject to the penalties therein.
- b. Violations of Section 3, d or e, are a misdemeanor and will be subject to the penalty set forth in MN Stat. 609.03.

SECTION 7. REPEAL

Ordinance # 39 "An Ordinance Regulating the Presence of Minors Under the Age of 16 Years on the Streets or in Public Places between the Hours of 9:30 p.m. and 5:00 a.m., Defining the Duties of Parents and Others in the Care of Minors and Providing for Penalties for Violations Thereof", adopted September 15, 1969, and any amendments thereto, are hereby repealed.

SECTION 8. EFFECTIVE DATE

This Ordinance shall be in full force and effect after its passage and publication as provided by law.

ADOPTED by the City Council of the City of St. Clair, Minnesota, this 2nd day of December 2003.

Brian Lynch, Mayor

ATTEST:

Catherine Seys, City Clerk-Treasurer