

ORDINANCE NO. 10

AN ORDINANCE REGULATING THE PRESENCE OF MINORS UNDER THE AGE OF 18 YEARS ON THE STREETS OR IN PUBLIC PLACES BETWEEN THE HOURS OF 10:00 P.M. AND 5:00 A.M., DEFINING THE DUTIES OF PARENTS AND OTHERS IN THE CASE OF MINORS AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF

**THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF WHITE BEAR
ORDAINS:**

SECTION 1. Ordinance No. 10 of the Town of White Bear, Minnesota, is hereby amended to read as follows:

SECTION 2. POLICY.

2-1. The Town Board finds that fighting crime effectively requires a multipronged effort, with one aspect focusing on those age groups particularly vulnerable to and injured by crime, and susceptible to being induced into committing crime. Consequently, it is the intent of the Town Board to create and implement a juvenile curfew program aimed at protecting juveniles from crime and reducing juvenile crime and the direct and indirect consequences thereof.

2-2. Juveniles in the Town of White Bear have themselves become victims of crime and violence. A juvenile curfew program would have the additional benefit of reducing juvenile victimization.

2-3. It is the intent of the Town Board to substantially reduce, if not eradicate, acts of crime and delinquency committed by juveniles and to provide for the care, safety and protection of law abiding juveniles and other citizens, residents and visitors.

2-4. This Ordinance is enacted in recognition of the peculiar vulnerability of juveniles, their frequent inability to make critical decisions in an informed, mature manner, and the important of the parental role in child-rearing.

SECTION 3. PURPOSE.

3-1. To protect juveniles themselves and other citizens, residents and visitors of the Town of White Bear from the dangers of crimes which occur on sidewalks, streets, and in public, and semi-public places during late night and early morning hours.

3-2. To decrease the amount of criminal activity engaged in by juveniles and to promote and enhance parental control over juveniles.

SECTION 4. DEFINITIONS. For the purpose of this Ordinance, the following definitions shall apply:

4-1. AUTHORIZED ADULT shall mean any person who is at least eighteen (18) years of age and authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time.

4-2. EMERGENCY ERRAND shall mean an errand necessary to avoid or seek help for a harm or peril that is immediate, overwhelming or physical, provided the minor child could not have avoided the necessity of the errand by taking advance precautions.

4-3. MINOR shall mean any unemancipated person under the age of eighteen (18) years.

4-4. PARENT shall mean any person having legal custody of a minor (i) as natural or adoptive parent; (ii) as legal guardian; or (iii) as a person to whom legal custody has been given by order of the court.

4-5. PUBLIC PLACE shall mean any public street, highway, roadway, park, public recreation, entertainment or civic facility, or other place open to the public within the Town.

SECTION 5. PROHIBITED ACTS.

5-1. It shall be unlawful for any minor under the age of sixteen (16) years to be in a public place within the Town during the period ending at 5:00 a.m. and beginning at 10:00 p.m. every day of the week.

5-2. It shall be unlawful for any minor who is sixteen (16) or seventeen (17) years of age to be in any public place within the Town during the period ending at 5:00 a.m. and beginning at 12:00 a.m. (Midnight) every day of the week.

5-3. It shall be unlawful for a parent or authorized adult of a minor to knowingly, or by inefficient control, permit such minor to be in any public place within the Town during the hours prohibited by Sections 5-1 and 5-2 of this Ordinance herein, under circumstances not constituting an exception to this Ordinance as set forth herein. The term "knowingly" includes knowledge which a parent or authorized adult shall reasonably be expected to have concerning the whereabouts of a minor under such person's care.

5-4. It shall be unlawful for any person operating or in charge of any place of amusement or refreshment which is open to the public to knowingly permit any

minor to remain in such place during the hours prohibited by Sections 5-1 and 5-2 of this Ordinance herein, under circumstances not constituting an exception to this Ordinance as set forth herein.

SECTION 6. EXCEPTIONS.

6-1. The following shall constitute valid exceptions to the operation of the curfew:

6-1.1. At any time, if a minor is accompanied by his or her parent or an authorized adult;

6-1.2. At any time, if a minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having care or custody of the minor.

6-1.3. At any time, the minor is upon some necessary errand by permission or directed of said parent, guardian or other adult person having the care and custody of said minor, which permission shall be in written form and signed by such parent, guardian or other adult person having the care and custody of the said minor.

6-1.4. At any time, where the presence of said minor in said place or places is connected with or required by some legitimate business, trade or profession or occupation in which said minor is permitted by law to be engaged.

6-1.5. If the minor is legally employed, for a period from forty-five (45) minutes before or after work, while going directly between his or her home and place of employment.

6-1.6. At any time the minor is engaged in interstate travel.

6-1.7. At any time the minor is exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech, and the right of free assembly.

6-1.8. At any time the minor is married in accordance with the law or had disability of nonage removed by a court of competent jurisdiction.

6-1.9. At any time the minor is homeless or uses a public or semi-public place as his or her usual place or abode.

6-1.10. At any time the minor is on the boulevard or sidewalk abutting the juvenile's residence or abutting the residence of a next door neighbor if

the neighbor has not complained to the police department about the juvenile's presence.

6-1.11. At any time the minor is attending, or returning by a direct route to his or her current residence from a specific activity at a public or semi-public place which is open to the general public and supervised by adults at least twenty-one (21) years of age; provided further, that any such activity begins no later than 10:00 p.m.; provided further, that the juvenile possesses written permission from his or her parent or legal guardian authorizing the juvenile to attend or engage in that specific activity.

6-1.12. Attending an official school, religious, or recreational activity supervised by adults at least twenty-one (21) years of age and sponsored by the Town, a school, church, civic organization or other similar entity, which organization takes responsibility for the juvenile as an invitee, or going to or returning from, any such activity without any detour; provided further, that the juvenile possesses written permission from his or her parent or legal guardian authorizing the juvenile to attend or engage in that specific activity.

6-2. It is a defense to prosecution under Section 5 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.

SECTION 7. ENFORCEMENT. Before taking any enforcement action under this section, a police officer 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 this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 6 is present.

SECTION 8. PENALTIES. Every person convicted of a violation of any provision of this Ordinance shall be punished as provided in Ordinance No. 26.

SECTION 9. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or of any part thereof, other than the part held to be invalid.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of Supervisors of the Town of White Bear, Ramsey County, Minnesota, this 13th day of July, 1959.

APPROVED:

THEO. J. BLAIR, Chairman

ATTEST:

F. PAUL WRIGHT, Town Clerk

Board of Supervisors:
THEO. J. BLAIR, Chairman
KENNETH A. KUMM, Supervisor
GEORGE M. HOVEY, Supervisor

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Historical Notes

1994

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, passed September 6, 1994, and effective December 21, 1994 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1970

Sections 1, 2, 3, 4, 5, 6, 7, and 8, passed October 19, 1970, and effective October 28, 1970 by Rooney (Chair), Malloy and Perron; Rolph (Clerk-Treasurer).

1959

Ordinance, Title and Sections 1, 2, 3, 4, 5, and 6, originally passed July 13, 1959, and effective August 6, 1959 by Blair (Chair), Kumm and Hovey; Wright (Clerk-Treasurer).