

ORDINANCE NO. 2007-1

AN ORDINANCE ADDING A NEW CHAPTER 9.16 TO THE ST. ANTHONY MUNICIPAL CODE; PROVIDING FOR A CURFEW FOR MINORS; PROVIDING DEFINITIONS; ESTABLISHING WHAT ACTS ARE PROHIBITED; ALLOWING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT; ESTABLISHING THAT THE POWERS OF LAW ENFORCEMENT OFFICERS ARE NOT LIMITED BY THIS ACT; PROVIDING FOR PENALTIES; ESTABLISHING PARENTAL LIABILITY; PROVIDING FOR SEVERABILITY; AND, ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO, AS FOLLOWS:

1. A new Chapter 9.16 is hereby added to the St. Anthony municipal code, to read as follows:

Chapter 9.16

Curfew for Minors

Sections:

- 9.16.010 Purpose.
- 9.16.020 Definitions.
- 9.16.030 Prohibited act.
- 9.16.040 Exemptions.
- 9.16.050 Enforcement.
- 9.16.060 Powers of law enforcement officers not limited.
- 9.16.070 Penalties.
- 9.16.080 Parental liability.
- 9.16.090 Severability.

9.16.010: **Purpose:** The purposes of this chapter are to regulate and prohibit minors from remaining in public places during certain hours of the day; to protect minors from each other and from adult perpetrators of crime; to reduce nocturnal juvenile crime and juvenile delinquency; to promote family responsibility and parental control over their children; and to protect and promote the peace, health, safety, and welfare of the inhabitants of the city.

9.16.020 **Definitions:** For purposes of this chapter, a “public place” means any place to which the public or a substantial group of the public has access, including, but not limited to, any public street, sidewalk, avenue, highway,

road, curb area, alley, park, playground, or other public ground or public building, any common area of any school, hospital, apartment house, office building, transport facility, or shop, or any privately owned place of business operated for a profit to which the public is invited, including any place of amusement, entertainment, or eating place.

9.16.030 **Prohibited acts:**

A. It is unlawful for any minor under the age of 18 years to be present in a “public place,” as defined in Section 9.16.020 above, between the hours of 12:30 a.m. on any given day and 5:00 a.m. of the immediately following day, unless the minor satisfies one of the exemptions specified in Section 9.16.040.

B. It is unlawful for any minor under the age of 16 years to be present in a “public place,” as defined in Section 9.16.020 above, between the hours of 11:00 p.m. on any given day and 5:00 a.m. of the immediately following day, unless the minor satisfies one of the exemptions specified in Section 9.16.040.

9.16.040 **Exemptions:** The provisions of this chapter shall not apply when a minor satisfies any one of the following:

- A. The minor is accompanied by his or her parent(s), legal guardian(s), or other adult person(s) authorized by said parent(s) or guardian(s) to have the care and custody of the minor;
- B. The minor is on an errand at the direction of the minor’s parent(s), legal guardian(s), or other adult person(s) authorized by said parent(s) or guardian(s) to have custody and care of the minor;
- C. The minor is in a motor vehicle involved in interstate travel;
- D. The minor is present at, or traveling to or directly home from, a place or places that is connected with or required by a business, trade, profession or occupation in which said minor is lawfully engaged;
- E. The minor is involved in an “emergency situation,” which means for this purpose, any unforeseen set of circumstances that call for immediate action to prevent serious bodily injury or loss of life, including, but not limited to, a fire, natural disaster, or automobile accident;
- F. The minor is within 50 feet of the front of his or her residence;
- G. The minor is present at or traveling to or directly home from, a school, religious, or recreational activity supervised by adults and sponsored

by a school, religious, or civic organization, or other similar entity that assumes responsibility for the minor;

- H. The minor is present at, or traveling to or directly home from, a political fundraiser, rally or other political activity, or is otherwise exercising his or her First Amendment rights protected by the United States Constitution, provided that any such political event or other First Amendment-type activity is supervised by adults and/or sponsored by a political organization or other similar entity or organization that assumes responsibility for the minor.
- I. The minor is present at, or traveling to or directly home from, a public meeting, or place of public entertainment, such as a movie, play, sporting event, dance or school activity, provided such meeting, event or activity is a school-approved activity for the minor or is otherwise supervised by school personnel of said minor's school; or
- J. The minor has entered into a valid marriage, is on duty with the armed forces of the United States, or has otherwise had the disabilities of minority removed in the manner provided by law.

9.16.050 **Enforcement:** Before taking any law enforcement action under this chapter, a law enforcement officer shall ask the apparent offender's age and reason for being present in a "public place," as defined in this chapter, during curfew hours. The officer shall not issue a citation or make an arrest under this chapter unless the officer reasonably believes that a violation of section 9.16.030 has occurred and that based on the apparent offender's responses, no exemption under section 9.16.040 is applicable.

9.16.060 **Powers of law enforcement officers not limited:** Nothing in this chapter shall be construed in any way as to limit the power or right of a law enforcement officer(s) to make any investigation, detention or arrest as such law enforcement officer(s) would be permitted to make in the absence of this chapter.

9.16.070 **Penalties:** Violation of this chapter by a minor shall be punishable, upon his or her first conviction, by a fine not to exceed \$50.00. Any minor who violates this chapter within three years after another conviction for violation of this chapter, shall be punishable, upon conviction, by a fine not to exceed \$300.00.

9.16.080 **Parental liability:** Any parent(s), legal guardian(s), or other adult person(s) authorized by said parent(s) or guardian(s) to have care and custody of the minor, who knowingly permits, or by insufficient control, allows a minor to violate the curfew restrictions of this chapter is guilty of an infraction.

9.16.090 **Severability:** If any provision or clause of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any other provision or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

2. This ordinance shall be in full force and effect after its passage and publication, all as provided by law.

PASSED THIS 10th DAY OF January, 2007.

CITY OF ST. ANTHONY, IDAHO



WILLARD D. BECK, MAYOR

ATTEST:



TACI STODDARD, CLERK