

COUNTY OF DAKOTA
ORDINANCE NO. 122

JUVENILE CURFEW ORDINANCE

The County Board of Dakota County ordains:

Subd. 1. Purposes and Findings.

(a) The Board of Commissioners of Dakota County finds and determines that there has been an increase in juvenile violence and crime by juveniles in the County of Dakota (County).

(b) Juveniles are particularly susceptible by their lack of maturity and experience to participate in unlawful activities and to be victims of older perpetrators of crime.

(c) Because of the foregoing, special and extenuating circumstances presently exist within this County that require special regulation of juveniles within the County in order to protect them and other persons during the nighttime hours, to aid in crime prevention, to promote parental supervision and authority over minors and to decrease juvenile crime rates; and

(d) In accordance with prevailing community standards, this Ordinance serves to regulate the conduct of minors in public places during nighttime hours, to be effectively and consistently enforced for the protection of juveniles from each other and from other persons in public places during nighttime hours, for the enforcement of parental control of, authority over, and responsibility for their children, for the protection of the general public from nighttime mischief by juveniles, for the reduction in the incidents of juvenile criminal activities, for the furtherance of family responsibility and for the public good, safety and welfare; and

(e) It is the intent of the County Board to review and evaluate the need and effect of nighttime curfew for juveniles set forth in this Ordinance on the incidents of juvenile criminal activity and protection of juveniles against criminal activity.

Subd. 2. Authority.

This Ordinance is enacted pursuant to the authority granted under Minn. Stat. § 145A.05, subd. 7a (1994).

Subd. 3. Definitions.

(a) "Authorized adult" means any person who is at least eighteen (18) years of age and authorized by a parent or guardian to have custody and control of a juvenile.

(b) "County Board" means the Board of Commissioners of Dakota County.

(c) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(d) "Juvenile" means a person under the age of eighteen (18) years. The term does not include persons under 18 who are married or have been legally emancipated.

(e) "Parent" means any person having legal custody of a juvenile (i) as natural, adoptive parent, or step-parent; (ii) as a legal guardian; or (iii) as a person to whom legal custody has been given by order of the court.

(f) "Person operating" means any individual, firm, association, partnership, partners of an association or partnership, corporation, officers of a corporation, operating, managing, or conducting or in charge of any place of amusement or refreshment which is open to the public.

(g) "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, roadways, parks, public recreation, entertainment or civic facility, schools, and the common areas of hospitals, apartment houses, office buildings, transport facilities, and shops.

(h) "Serious bodily injury" means 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 bodily member or organ.

Subd. 4. Prohibited Acts.

(a) It is unlawful for a juvenile under the age of twelve (12) to be present in any public place within Dakota County:

- (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. the following day.

(b) It is unlawful for any juvenile age twelve (12) to fourteen (14) years to be present in any public place within Dakota County:

- (1) any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, and 5:00 a.m. of 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 any juvenile age fifteen (15) to seventeen (17) years to be present in any public place within Dakota County:

- (1) any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, and 5:00 a.m. of the following day.
- (2) any time between 12:01 a.m. and 5:00 a.m. on any Saturday or Sunday.

(d) It is unlawful for a parent or authorized adult of a juvenile to knowingly, or through negligent supervision, to habitually permit such juvenile to be in any public place within the County during the hours prohibited by Paragraphs (a), (b) and (c) of this Subdivision 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 juvenile under such person's care.

(e) It is unlawful for any person operating or in charge of any place of amusement or refreshment which is open to the public to knowingly and habitually permit any juvenile to be in such place during the hours prohibited by Paragraphs (a), (b) and (c) of this Subdivision under circumstances not constituting an exception to this Ordinance as set forth herein.

Subd. 5. Exceptions.

(1) The following shall constitute valid exceptions to the operation of the curfew:

(a) at any time, if a juvenile is accompanied by his or her parent, guardian or an authorized adult;

(b) at any time, if a juvenile is involved in, or attempting to remedy, alleviate, or respond to an emergency;

(c) if the juvenile is engaged in a lawful employment activity, or is going to or returning home from his or her place of employment;

(d) if the juvenile is attending, is going to or returning from, without any detour or stop, an official school, religious, or other social or recreational activity supervised by adults and sponsored by a city or the county, a civic organization, or another similar entity that takes responsibility for the juvenile;

(e) if the juvenile is on an errand as directed by his or her parent or guardian, without any detour or stop;

(f) if the juvenile is engaged in interstate travel;

(g) if the juvenile is on the public right-of-way boulevard or sidewalk abutting the juvenile's residence or abutting the neighboring property, structure, or residence;

(h) if the juvenile is exercising First Amendment rights protected by the United States Constitution (or those similar rights protected by Article I of the Constitution of the State of Minnesota), such as free exercise of religion, freedom of speech, and the right of assembly; or

(i) if the juvenile is homeless or uses a public or semi-public place as his or her usual place of abode.

(2) It is an affirmative defense to prosecution under Subdivision 4(e) that:

(a) the owner, person operating, or employee of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

(b) the owner, person operating, or employee reasonably and in good faith relied upon a juvenile's representations of proof of age. Proof of age may be established pursuant to Minn. Stat. § 340A.503, subd. 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates.

Subd. 6. Enforcement.

Before taking any enforcement action under Subdivision 4(a), (b) or (c), a peace 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 Subdivision 4(a), (b) or (c) unless the officer reasonably believes that an offense has occurred and that no exception set forth in Subdivision 5 is applicable.

Subd. 7. Penalties.

(a) Violation of Subdivision 4(a), (b) or (c) will be prosecuted pursuant to Minn. Stat. § 260B.235 and is subject to the penalties therein.

(b) Violation of Subdivision 4(d) or (e) is a misdemeanor.

Subd. 8. Severability.

If any subdivision, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this Ordinance shall not be affected and shall remain in full force.

Subd. 9. Remedies Cumulative.

No remedy set forth in this Ordinance is intended to be exclusive but each such remedy is cumulative and in addition to other remedies now or hereafter existing at law or in equity. No delay in the exercise of any remedy for violation of this Ordinance shall later impair or waive any such right or power of the County.

Subd. 10. Effective Date.

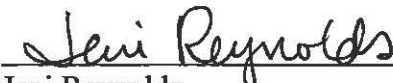
This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Subd. 11. Repealer.

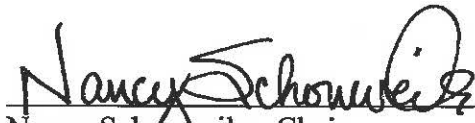
Dakota County Ordinance No. 122, which was enacted through Resolution 95-74 on February 7, 1995 and amended by Resolution 00-39 on January 18, 2000 by the Dakota County Board of Commissioners, is hereby repealed and this enacted in its stead.

ATTEST:

COUNTY OF DAKOTA, STATE OF MINNESOTA



Jeni Reynolds
Clerk to the Board
Date: 9-20-16



Nancy Schouweiler, Chair
Dakota County Board of Commissioners
Date: 9-20-16

Approved as to form and execution/date



Amelia Jadoo
Assistant County Attorney