

COUNTY OF JACKSON  
STATE OF MINNESOTA

ORDINANCE NO. 107

AN ORDINANCE REGULATING THE CURFEWS FOR MINORS.

WHEREAS, Jackson County wished to regulate curfews for minors;

WHEREAS, To protect the public from illegal acts of minors committed during the curfew hours;

WHEREAS, To protect minors from the improper influences that prevail during the curfew hours, including involvement with gangs;

WHEREAS, To protect minors from criminal activity that occurs during the curfew hours;

WHEREAS, To help parents control their minor children; and

WHEREAS, a public hearing, after due notice, having been held on September 28, 2010, has been conducted in regard to this Ordinance,

NOW THEREFOR, Pursuant to Minnesota Statutes, section 375.51, The County Board of Jackson County ordains:

Section 1.a. Purpose. The purpose of ordaining these rules and regulations is to regulate curfews for minors within Jackson County.

Section 1.b. Application. The following rules and regulations shall apply to Jackson County, Minnesota, except those cities have a curfew ordinance, and to all County Parks and all other areas under the jurisdiction of the Jackson County Park Commission, Jackson County, Minnesota.

Section 1.c. Construction. In the interpretation of this and all succeeding park ordinances, the provisions shall be construed as follows:

- (1) Any term in the singular shall include the plural.
- (2) Any term in the masculine shall include the feminine and neuter.
- (3) Any requirement or prohibitions of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.
- (4) No provisions hereof shall make unlawful any act necessarily performed by an officer or employee of the County in line of duty or work as such, or by any person, his agent or employees, in the

proper and necessary execution of the terms of any agreement with the County.

Section 1.d. Penalty. Any adult person who shall violate any provision of this ordinance shall be guilty of a misdemeanor, punishable by imprisonment in the County Jail for not more than 90 days or by a fine of not more than \$1,000, or both for each violation of this ordinance. Such violations, if recurring, may be charged for each occurrence. Any minor found to be in violation of this section may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. § 260.185, as it may be amended from time to time.

Section 1.e. Severability. If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

Section 2. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) **Adult** means a person age 18 or older.
- (2) **Emergency Errand.** A task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor's household. The term shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or fire department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or human-made calamity.
- (3) **Minor.** A person under the age of 18 years old.
- (4) **OFFICIAL COUNTY TIME.** The time of day as determined by reference to the master clock used by the Sheriff's Department.
- (5) **Places of Amusement, Entertainment or Refreshment.** Those places that include, but are not limited to, movie theaters, arcades, pinball arcades, shopping malls, nightclubs catering to minors, restaurants, and pool halls.
- (6) **PRIMARY CARE or PRIMARY CUSTODY.** The person who is responsible for providing food, clothing, shelter, and other basic necessities to the minor. The person providing primary care or custody to the minor shall not be another minor.

- (7) **School Activity.** An event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

Section 3. Hours.

(1) Minors under the age of 16 years. No minor under the age of 16 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 10:30 p.m. and 5:00 a.m. the following day, official county time.

(2) Minors ages 16 years to 18 years. No minor of the ages of 16 or 17 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 12 midnight and 5:00 a.m. the following day, official county time.

Section 4. Exceptions. This ordinance shall not apply under the following exceptions:

(1) To a minor accompanied by his or her parent or guardian, or other adult person having the primary care and custody of the minor;

(2) To a minor who is upon an emergency errand at the direction of his or her parent, guardian, or other adult person having the primary care and custody of the minor;

(3) To a minor who is in any of the places described in this section when in connection with or as required by an employer engaged in a lawful business, trade, profession, or occupation; or to a minor traveling directly to or from the location of the business trade, profession, or occupation and the minor's residence. Minors who fall within the scope of this exception shall carry written proof of employment and proof of the hours the employer requires the minor's presence at work.

(4) To a minor who is participating in or traveling directly to or from an event which has been officially designated as a school activity by public or parochial school authorities; or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the city, and civic organization, school, religious institution, or similar entity that takes responsibility for the minor and with the permission of the minor's parent, guardian, or other adult person having the primary care and custody of the minor.

(5) To a minor who is passing through the county in the course of interstate travel during the hours of curfew.

(6) To a minor who is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or freedom of religion.

(7) To minors on the sidewalk abutting his or her residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the city's designated law enforcement provider about the minor's presence.

(8) To a minor who is married or has been married, or is otherwise legally emancipated.

Section 5. Effect on control by adult responsible for minor. Nothing in this section shall be construed to give a minor the right to stay out until the curfew hours designated in this section if otherwise directed by a parent, guardian, or other adult person having the primary care and custody of the minor; nor shall this section be construed to diminish or impair the control of the adult person having the primary care or custody of the minor.

Section 6. Duties of Persons legally responsible for minor. No parent, guardian, or other adult having the primary care or custody of any minor shall permit any violation of the requirements of this section by the minor.

Section 7. Duties of other persons. No person operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor to enter or remain in his or her place of business during the hours prohibited by this section unless the minor is accompanied by his or her parent, guardian or other adult person having primary care or custody of the minor, or unless one of the exceptions to this section apply.

Section 8. Defense. It shall be a defense to prosecution under this section that the owner, operator, or employee of an establishment promptly notified the county's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave.

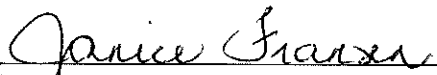
Section 9. Effective Date : This ordinance shall be in force and effective beginning January 1, 2011.

Duly passed and adopted this 28<sup>th</sup> day of September, 2010.

Jackson County Board of Commissioners

  
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Roger C. Ringkob, Chairman

Attested to:

  
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By: Janice Fransen, Coordinator