

## Chapter 9.72 – CURFEW

Sections:

- 9.72.010 Minors under twelve years–Parent or guardian responsibility–Hours applicable.
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### **9.72.010 Minors under twelve years–Parent or guardian responsibility–Hours applicable.**

It is unlawful for any parent, guardian or person having actual custody of a minor under the age of twelve years to permit such minor to remain or loiter upon any public thoroughfare, or in any public place and it is unlawful for any such minor to so remain or loiter thereon, between the hours of nine-thirty p.m. and six a.m. of the following morning on Sunday, Monday, Tuesday, Wednesday and Thursday, and between the hours of eleven p.m. and six a.m. the following morning, on Friday and Saturday. (Ord. 1983-1 §1, 1983: Ord. 1975-5 §27 (part), 1975: Ord. 1970-5 §1, 1970: prior code §6-6-1)

### **9.72.020 Minors between ages of eleven and eighteen years–Parent or guardian responsibility–Hours applicable.**

It is unlawful for any parent, guardian or person having actual custody of a minor over the age of eleven but under the age of eighteen years to permit such minor to remain or loiter upon any public through fare, or in any public place, and it is unlawful for any minor to so remain or loiter thereon, between the hours of eleven p.m. and six a.m. of the following morning on Sunday, Monday, Tuesday, Wednesday or Thursday, and between the hours of one a.m. and six a.m. the following morning on Friday and Saturday. (Ord. 1983-1 §2, 1983: Ord. 1975-5 §27 (part), 1975: prior code §6-6-2).

### **9.72.030 Exemptions from applicability.**

The restrictions above shall not apply to any minor who shall be accompanied by a parent, guardian, or adult acting with authority. (Ord. 1975-5 §27(part), 1975: prior code §6-6-3).

### **9.72.040 Minors–Truancy <sup>2</sup>**

- (a) It is unlawful for any minor under the age of sixteen (16) years subject to compulsory education, or any minor age of sixteen (16) years or older currently enrolled in school to be absent from school and found in a public place, as defined in subsection (b) of this section, unless the minor has one of the valid excuses specified in subsection (c) of this section.
- (b) (b.) For purposes of subsection (a) of this section, a minor is absent from school and found in a public place if said minor is found loitering, idling, wandering, strolling, playing, or aimlessly driving or riding about in or upon any public street, avenue, highway, road, curb area, alley, park, playground, or other public ground, public place or public building, place of amusement or eating place, vacant lot or unsupervised place, or any place open to the

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public between the time school begins and the time school ends, excluding the authorized lunch period, on days when said minor's school is in session.

- (c) The provisions of subsection (a) of this section shall not apply when:
- (1) The minor has in his or her possession a written excuse from the minor's parent(s), legal guardian(s), or other adult person(s) having the legal care or custody of said minor, which excuse provides an explanation for the minor's absence from school provided that said minor has not exceeded the maximum allowed absences as determined by the school;
  - (2) The minor is accompanied by his or her parent(s), legal guardian(s) or other adult person(s) having the legal care or custody of the minor;
  - (3) The minor is being home schooled, provided that any minor that is found on school grounds while class is in session and said minor is not participating in or attending a school-approved activity shall be in violation of this ordinance;
  - (4) The minor is on an emergency errand directed by his or her parent(s), legal guardian(s) or other adult person(s) having legal care or custody of the minor;
  - (5) The minor is going directly to, or returning directly from, a medical appointment;
  - (6) The minor has permission to leave campus and has in his or her possession a valid, school issued, off-campus permit;
  - (7) The minor is going directly to or returning directly from a public meeting or a place of 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 the minor's school; or
  - (8) The presence of the minor in said place or places is connected with, or required by, a school-approved or school-related business, trade, profession or occupation in which said minor is lawfully engaged.
- (d) A first offense of subsection (a) of this section shall constitute an infraction and violators shall be subject to a forfeiture of fifty dollars (\$50.00), any subsequent offense within a one year-period shall constitute a misdemeanor and violators may be punished by a fine not exceeding \$300.00 or jail not exceeding 180 days, or both.

**9.72.050 Minors–Truancy Parental Penalties <sup>1</sup>**

(a) No parent, guardian, or other adult may knowingly allow a student to absent himself/herself from school without an acceptable excuse. Each day or part of day that a parent, guardian, or other adult knowingly allows a student to absent himself/herself from school without an acceptable excuse shall constitute a separate offense.

(b) Any parent, guardian, or other adult who knowingly allows a student to absent himself/herself from school without an acceptable excuse shall be in violation of this ordinance and shall be guilty of an infraction. Upon conviction thereof the following fines apply:

- Forfeiture of fifty dollars (\$50.00) for the first offense, plus costs.
- Forfeiture of one hundred dollars (\$100.00). for any subsequent offense within a one-year period plus costs.

----- **NOTES** -----

(2) Ordinance 2001-E, 2001