

## Chapter 8-10

### JUVENILE CURFEW

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#### **Section 8-10-1 Purpose**

The City Council of the City of Storm Lake, Iowa hereby determines that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of this City, and specifically to achieve the following purposes:

- (A) Reinforce the primary authority and responsibility of adults responsible for minors.
- (B) Recognize the peculiar vulnerability of minors.
- (C) Recognize the inability of minors to make critical decisions in an informed, mature manner.
- (D) Protect minors from improper influences and criminal activity by individuals and by gangs that prevail in public places after the curfew hour.

(Ord. No. 089495, Enacted, 12/05/94)

#### **Section 8-10-2 Definitions**

- (A) "EMERGENCY ERRAND" means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident, other accidental injury or serious illness, or any other situation requiring immediate action to prevent further serious illness, bodily injury or loss of life.
- (B) "KNOWINGLY" means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable community standard of adult responsibility through an objective test. It shall therefore, be no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
- (C) "MINOR" means any unemancipated person under the age of sixteen (16) years.
- (D) "NON-SECURED CUSTODY" means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a peace officer or a person employed by the facility where the person arrested is being

held; and the use of the area is limited to providing non-secure custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents, or other responsible adult, or for other administrative purposes; but not for longer than six hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.

(E) "PUBLIC PLACE" shall include shopping centers, parking lots, parks, playgrounds, streets, alleys, sidewalks dedicated to public use; and shall also include such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this chapter, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

(F) "RESPONSIBLE ADULT" means a parent, guardian or other adult specifically authorized by law, or authorized by a parent or guardian to have custody or control of a minor.

(G) "UNEMANCIPATED" means unmarried and still under custody or control of a responsible adult.

(Ord. No. 089495, Enacted, 12/05/94)

### **Section 8-10-3 Curfew Established**

Unless accompanied by a responsible adult, no minor under the age of sixteen (16) years shall be in any public place during the following times:

(A) Sunday nights through Thursday nights: From 12:00 Midnight until 6:00 a.m. the following day.

(B) Friday nights and Saturday nights: From 1:00 a.m. until 6:00 a.m., to the early morning hours on Saturday and Sunday, respectively.

(Ord. No. 089495, Enacted, 12/05/94)

### **Section 8-10-4 Exceptions**

The following are exceptions to the curfew:

(A) The minor is accompanied by a responsible adult.

(B) When the minor is on the sidewalk or property where the minor resides, or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.

(C) The minor is present at or is travelling between home and one of the following:

1. Minor's place of employment in a business, trade or occupation, in which the minor is permitted by law to be engaged, or, if travelling, within one hour after the end of work.

2. Minor's place of religious activity, or, if travelling, within one hour after the end of the religious activity.
  3. Governmental or political activity, or, if travelling, within one hour after the end of the activity.
  4. School endorsed activities, including parent-sponsored activities and Community Education sponsored activities organized in cooperation with the school, or, if travelling, within one hour after the end of the activity.
  5. Assembly such as a march, protest, demonstration, sit-in; or meeting of an association for the advancement of economic, political, religious or cultural matters; or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly, or, if travelling, within one hour after the end of the activity.
- (D) The minor is on an emergency errand for a responsible adult.
- (E) The minor is engaged in interstate travel through the city beginning, ending or passing through Storm Lake, Iowa, when such travel is by direct route.  
(Ord. No. 089495, Enacted, 12/05/94)

### **Section 8-10-5 Responsibility of Adults**

It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the city within the time periods prohibited by this Section, unless the minor's presence falls within one of the above exceptions.

(Ord. No. 089495, Enacted, 12/05/94)

### **Section 8-10-6 Enforcement Procedures**

(A) Determination of age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a police officer on the street shall, in the first instance, use his or her best judgment in determining age.

(B) Grounds for arrest. Conditions of custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the Chapter; refuses to provide proper identification or identify the person's self; or constitutes an immediate threat to the person's own safety or the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

(C) Notification of responsible adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.

(D) Minor without adult supervision. If a peace officer determines that a minor does not have adult

supervision because the peace officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor within a reasonable period of time, the peace officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child, or another adult person who is known to the child.

(Ord. No. 089495, Enacted, 12/05/94)

### **Section 8-10-7 Penalties**

(A) Responsible adult's violation - Simple misdemeanor. Any responsible adult as defined in this Chapter who knowingly allows a minor to violate any of the provisions of this Section shall be guilty of a simple misdemeanor, and upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

(B) Minor's violation - Simple misdemeanor. For a minor's violation of any of the provisions of this Chapter, the minor shall be guilty of a simple misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed five hundred dollars (\$500.00). As an alternative, the Court may order the minor to perform community service if the minor presents an acceptable plan of community service prearranged with a willing public or non-profit private agency, or if the Court can otherwise arrange such a plan.

(Ord. No. 089495, Enacted, 12/05/94)

(Ord. 04-O-2003-2004, Amended, 10/06/2003)

### **Section 8-10-8 Notice**

Notice of this Chapter and its contents may be posted in, on or about such public or quasi-public places as may be designated by the City Administrator or the police department in order that the public may be constantly informed of the existence of the Chapter and its regulations.

(Ord. No. 089495, Enacted, 12/05/94)