

City of Stewartville
Ordinance
Section 640 - Curfew

640.01 Purpose. The curfew for minors established by this Section is maintained for four primary reasons:

- A. To protect the public from illegal acts of minors committed during the curfew hours;
- B. To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs;
- C. To protect minors from criminal activity that occurs during the curfew hours; and
- D. To help parents control their minor children.

640.02 Definitions.

Subd. 1 Emergency Errand. “Emergency Errand” shall mean a task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor’s household. Emergency Errands 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 man-made calamity.

Subd. 2 Official City Time. “Official City Time” shall mean the time of day as determined by reference to the master clock contained in the console of the Dispatch Center at the Olmsted County Law Enforcement Center.

Subd. 3 Places of Amusement, Entertainment, or Refreshment. “Places of ‘Amusement’, ‘Entertainment’ or ‘Refreshment’” shall mean those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants, and pool halls.

Subd. 4 Primary Care or Custody. “Primary Care” or “Primary Custody” shall mean 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.

Subd. 5 School Activity. “School Activity” shall mean an event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

640.03 Hours - Minors Under the Age of Sixteen Years. No minor under the age of sixteen (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 city time.

640.04 Hours - Minors Ages Sixteen Years to Eighteen Years. No minor of the ages of sixteen (16) or seventeen (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 12:00 midnight and 5:00 a.m. the following day, official city time.

640.05 Effect on Control by Adult Responsible for Minor. Subsections 640.03 and 640.04 above shall not 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.

640.06 Exceptions. The provisions of Subsections 640.03 and Subsection 640.04 shall not apply in the following situations:

- A. To a minor accompanied by his or her parent(s) or guardian, or other adult person having the primary care and custody of the minor;
- B. To a minor who is upon an emergency errand at the direction of his or her parent(s) guardian, or other adult person having the primary care and custody of the minor;
- C. To a minor who is in any of the places described in Subsections 640.03 and 640.04 if 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 such 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.
- D. 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 of Stewartville, a civic organization, school, religious institution, or similar entity that takes responsibility for the minor and with the permission of the minor's parent(s), guardian, or other adult person having the primary care and custody of the minor.
- E. To a minor who is passing through the City in the course of interstate travel during the hours of curfew.
- F. 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. Minors who wish to exercise their rights pursuant to this exception shall notify the City at least twenty-four (24) hours in advance of the start of the gathering or event where the rights are to be exercised.
- G. To minors on the sidewalk abutting the 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.
- H. To a minor who is married or has been married, or is otherwise legally emancipated.

640.07 Duties of Person 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.

640.08 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(s), guardian, or other adult person having primary care or custody of the minor, or unless one of the exceptions of Subsection 640.06 apply.

640.09 Penalties.

Subd. 1 Minors. 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 Minn. Stat. § 260.185, as amended.

Subd. 2 Adults. Any adult person found to be in violation of this Section shall be guilty of a misdemeanor and may be sentenced up to the maximum penalty authorized by State law for a misdemeanor.