

AMENDMENT TO
ORDINANCE NO. 122
DAKOTA COUNTY

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.

(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" shall mean 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" shall mean 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" shall mean 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) "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.

(g) "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 shall be 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 shall be unlawful for any juvenile age fifteen (15) to seventeen (17) years to be 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 shall be 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 herein, 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 shall be 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 herein, under circumstances not constituting an exception to this Ordinance as set forth herein. The term "person operating" shall mean any individual, firm, association, partnership or corporation operating, managing or conducting any such establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

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 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 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 going to or returning home from, without any detour or stop, an official school, religious, or other 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;
- (f) if the juvenile is on an errand as directed by his or her parent, without any detour or stop;
- (g) if the juvenile is engaged in interstate travel;
- (h) 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;
- (i) 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
- (j) 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 Subd. 4(e) that:

(a) the owner, operator 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, operator 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 this section, a police 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 this section 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) and (c) will be prosecuted pursuant to Minn. Stat. § 260.195 and will be subject to the penalties therein.

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

~~Subd. 8. Continuing Review and Evaluation.~~

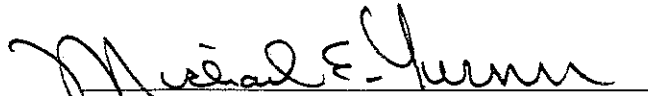
~~The County Attorney shall prepare and submit a report annually to the County Board evaluating violations of this Section and the criminal activity by and against juveniles within the County during the preceding year. The first report shall be submitted one year after the effective date of Subdivision 9.~~

~~Subd. 9. Severability.~~

If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

Subd. 10. Effective Date.

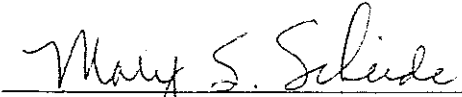
The effective date of this Ordinance shall be August 1, 1995.



Michael E. Turner, Chair

Dakota County Board of Commissioners

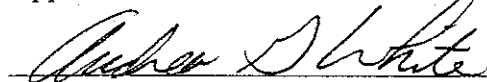
Date 2-1-00

Attest: 

Mary S. Scheide, Clerk to the Board

Date 2-1-00

Approved as to form and execution:

 2/3/00

Assistant Dakota County Attorney/Date

**BOARD OF COUNTY COMMISSIONERS
DAKOTA COUNTY, MINNESOTA**

December 21, 1999

Resolution No. 99-746

Motion by Commissioner Maher

Seconded by Commissioner Harris

Rescheduling of Public Hearing to Receive Comments on Amendment to Ordinance No. 122, Juvenile Curfew Ordinance

WHEREAS, the Dakota County Board of Commissioners previously scheduled a public hearing to be held on December 21, 1999, to receive comments on the proposed amendment to the Juvenile Curfew Ordinance that will delete Subdivision 2 requiring that the County Attorney prepare an annual report evaluating curfew violations and juvenile criminal activity; and

WHEREAS, official publication of the proposed ordinance amendments consistent with statutory requirements has not occurred.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby reschedules the public hearing to January 18, 2000, at 9:00 a.m., in the Board Room, Administration Center, Hastings, Minnesota, to receive comments on the proposed amendment to the Juvenile Curfew Ordinance that will delete Subdivision 8 requiring that the County Attorney prepare an annual report evaluating curfew violations and juvenile criminal activity; and

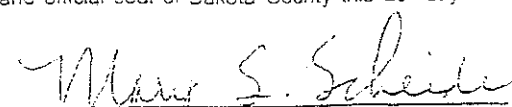
BE IT FURTHER RESOLVED, That the Treasurer-Auditor Department is hereby directed to issue a public notice of the County's intent to amend the Juvenile Curfew Ordinance in the official County newspaper at least 10 days before the date of the public hearing.

STATE OF MINNESOTA
County of Dakota

	YES		NO
Harris	<u> / </u>	Harris	<u> </u>
Maher	<u> / </u>	Maher	<u> </u>
Bataglia	<u> / </u>	Bataglia	<u> </u>
Schouweiler	<u> / </u>	Schouweiler	<u> </u>
Turner	<u> / </u>	Turner	<u> </u>
Krause	<u> / </u>	Krause	<u> </u>
Branning	<u> Absent </u>	Branning	<u> </u>

I, Mary S. Scheide, Clerk to the Board of the County of Dakota, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Dakota County, Minnesota, at their session held on the 21st day of December 1999, now on file in the County Administration Department, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal of Dakota County this 28th day of December 1999.


 Clerk to the Board

**BOARD OF COUNTY COMMISSIONERS
DAKOTA COUNTY, MINNESOTA**

November 30, 1999

Resolution No. 99-678

Motion by Commissioner Maher.

Seconded by Commissioner Krause

**Scheduling of Public Hearing to Receive Comments on Amendment of Ordinance No. 122,
Juvenile Curfew Ordinance**

WHEREAS, the Dakota County Juvenile Curfew Ordinance (Ordinance 122) currently requires at Subdivision 8 that the County Attorney prepare an annual report evaluating curfew violations and juvenile criminal activity; and

WHEREAS, curfew citations are filed directly with the Juvenile Court and are not in the County Attorney's Office computerized case management system; and

WHEREAS, the Dakota County Board of Commissioners wishes to amend Ordinance 122 by deleting Subdivision 8 so that the County Attorney's Office is no longer required to issue this annual report; and

WHEREAS, in order to amend the Ordinance, it is necessary that a public hearing be held and that notice of the County's intent to amend the Ordinance be published in the official County newspaper.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing on December 21, 1999, at 9:00 a.m., in the Board Room, Administration Center, Hastings, Minnesota, to receive comments on the proposed amendment to the Juvenile Curfew Ordinance that will delete Subdivision 8 requiring that the County Attorney prepare an annual report evaluating curfew violations and juvenile criminal activity; and


BE IT FURTHER RESOLVED, That the Treasurer/Auditor is hereby directed to issue a public notice of the County's intent to amend the Juvenile Curfew Ordinance in the official County newspaper at least 10 days before the date of the public hearing.

STATE OF MINNESOTA
County of Dakota

	YES		NO
Harris	<u> X </u>	Harris	<u> </u>
Maher	<u> X </u>	Maher	<u> </u>
Bataglia	<u> X </u>	Bataglia	<u> </u>
Schouweiler	<u> X </u>	Schouweiler	<u> </u>
Turner	<u> X </u>	Turner	<u> </u>
Krause	<u> X </u>	Krause	<u> </u>
Branning	<u> X </u>	Branning	<u> </u>

I, Mary S. Scheide, Clerk to the Board of the County of Dakota, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Dakota County, Minnesota, at their session held on the 30th day of November 1999, now on file in the County Administration Department, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal of Dakota County this 3rd day of December 1999.



 Clerk to the Board