

§ 130.04 CURFEW.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMERGENCY. A circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.

ESTABLISHMENT. Any privately-owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment or refreshment.

GUARDIAN. An adult appointed pursuant to M.S. § 524.1-201(20) who has the powers and responsibilities of a parent as described by M.S. § 524.5-207.

JUVENILE. A person under the age of 18 years. The term does not include persons under 18 years of age who are married or have been legally emancipated.

PARENTS. Birth parents, adoptive parents and step-parents.

PROPRIETOR. Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

PUBLIC PLACE. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

RESPONSIBLE ADULT. A person over the age of 18 years specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.

SERIOUS BODILY INJURY. 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 body part or organ.

(B) *Prohibited acts.*

(1) It is unlawful for a juvenile under the age of 12 years to be present in any public place or establishment within the city:

(a) Any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day.

(b) Any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. of the following day.

(2) It is unlawful for a juvenile from the ages of 12, 13 or 14 years to be present in any public place or establishment within the city:

(a) Any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day.

(b) Any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. of the following day.

(3) It is unlawful for a juvenile ages 15, 16 or 17 years to be present in any public place or establishment within the city:

(a) Any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day.

(b) Any time between 12:01 a.m. and 5:00 a.m. on any Saturday or Sunday.

(4) It is unlawful for any parent or guardian of a juvenile knowingly, or through negligent supervision, to permit the juvenile to be in any public place or establishment within the city during the hours prohibited in this division.

(5) It is unlawful for any proprietor of an establishment within the city to knowingly permit a juvenile to remain in the establishment or on the establishment's property during the hours prohibited in this division. If the proprietor is not present at the time of the curfew violation, the responding officer shall leave written notice of the violation with an employee of the establishment. A copy of the written notice shall be served upon the establishment's proprietor personally or by certified mail.

(C) *Defenses.*

(1) It is an affirmative defense for a juvenile to prove that:

(a) The juvenile was accompanied by his or her parent, guardian or other responsible adult;

(b) The juvenile was engaged in a lawful employment activity or was going to or returning home from his or her place of employment;

(c) The juvenile was involved in an emergency situation;

(d) The juvenile was going to, attending, or returning home from an official school, religious or other recreational activity sponsored and/or supervised by a public entity or a civic organization;

(e) The juvenile was on an errand at the direction of a parent or guardian;

(f) The juvenile was exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota;

(g) The juvenile was engaged in interstate travel; and

(h) The juvenile was on the public right-of-way boulevard or sidewalk abutting the property containing the juvenile's residence or abutting the neighboring property, structure or residence.

(2) It is an affirmative defense for a proprietor of an establishment to prove that:

(a) The proprietor 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 M.S. § 340A.503, Subd. 6, or other verifiable means, including but not limited to, school identification cards and birth certificates.

(b) The proprietor or employee promptly notified the responsible police agency that a juvenile was present on the premises of the establishment during curfew hours.