

TOQUERVILLE CITY ORDINANCE

ORD.2009.08, August 13, 2009

ESTABLISHING MINORS CURFEW

PURPOSE:

The City of Toquerville (City), Utah, by and through its City Council, desires to protect the health, safety and welfare of all residents, properties, and the general public residing or visiting the City and do hereby adopt and establish a MINORS CURFEW in the City noting the following provisions.

A. MINOR CURFEW ESTABLISHED TO PREVENT THE UNLAWFUL LOITERING OF ANY MINOR UNDER THE AGE OF 18 YEARS OF AGE ON SIDEWALKS, STREETS, ROADS, OR PUBLIC PLACES WITHIN CITY BOUNDARIES, BETWEEN THE HOURS OF TWELVE PM (MIDNIGHT) AND FIVE (5) AM, SUNDAY THROUGH SATURDAY.

B. DEFINITIONS

1. Minor: Any unmarried, un-emancipated person who is not a member of the Armed Forces of the United States and who is under the age of eighteen (18) years.
2. Public Places: Any place open to the public, whether privately owned, including but not limited to, parking lots and the interiors and exteriors of commercial establishments, such as restaurants, stores or places of entertainment.
3. Care and Custody: The legal authority of a parent or guardian to supervise or otherwise be responsible for a minor, or the express authority given from such parent or legal guardian of a minor to a responsible adult to supervise or otherwise be responsible for the activities and care of the minor.
4. Emergency Errand: Any errand or travel undertaken to directly seek to prevent or reduce the consequences of an illness or injury, potential criminal activity, or fire or other accident, seeking aid and assistance from medical or emergency personnel; or the purchase of needed medications.

C. EXCEPTIONS: The provisions of curfew violation shall not apply to any circumstance in which the minor is:

1. Accompanied by a parent, guardian or other responsible adult having care and custody of such minor;
2. Engaged in legitimate work, employment, or occupation which requires minor's presence in or on the places or times restricted during the curfew hours.
3. Engaged on an emergency errand directed by the minor's parent, guardian or other responsible person having care and custody.
4. In a motor vehicle engaged in normal travel beginning in, traveling through or ending in the City.
5. Attending or engaged in travel between minor's home or place of residence and a place where any religious, municipal, social, entertainment, sporting, political, library or school function is occurring.
6. Within the boundaries of the minor's place of residence.

D. AIDING MINOR TO VIOLATE CURFEW

It shall be unlawful for any person to assist, aid, abet or encourage any minor to violate the provisions of this Ordinance. It is unlawful for any person to use any influence or otherwise to entice or persuade any minor from his or her parents, guardians or other persons having charge or custody of such minor without the consent of such parents, guardians or custodians.

E. BUSINESS LIABILITY

No person owning or operating a business shall knowingly permit any minor to remain on the premises of such business in violation of the provisions of this Ordinance, unless minor is lawfully employed by the owner.

F. ENFORCEMENT AND PARENTAL RESPONSIBILITY

1. Arrest and Citation: Any minor who is in violation of the provisions of this Ordinance is subject to arrest and citation, under the guidelines of the Washington County Police Department.

2. It shall be unlawful for any parent, guardian or other person having care and custody of any minor to knowingly allow or permit the minor to violate the provisions of this Ordinance.

3. Return to Custody of Parent: Upon arrest, the minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of the minor.

4. Refusal to Take Custody: It shall be unlawful for any parent, guardian or other person charged with the care and custody of a minor who is in violation of this Ordinance to knowingly refuse to appear and take custody of said minor within a reasonable time after being ordered to do so by a peace officer.

5. Misdemeanor: Any person who violates the provisions of this Ordinance is guilty of a Class C misdemeanor, subject to penalty as provided by Washington County Police Department.

ORDINANCE

BE IT HEREBY ORDAINED by the Mayor and Council of the City of Toquerville, Utah, that **ORD.2009.08, ESTABLISHING A MINORS CURFEW**, as set forth in the provisions stated herein, shall be effective with City Council passage and approval on the 13th day of August, 2009.

M. Darrin LeFevre

M. Darrin LeFevre
Toquerville City Mayor

Date *Aug 13, '09*

Attest:

Carol Pogue
Carol Pogue, City Recorder

