

ORDINANCE NO. 410

AN ORDINANCE IMPOSING A CURFEW WITHIN THE CORPORATE LIMITS OF THE CITY OF AUMSVILLE AND IMPOSING CIVIL PENALTIES UPON PARENTS OF CHILDREN WHO VIOLATE CURFEW AND REPEALING ORDINANCE NO. 367 AND ALL OTHER SECTIONS OF ORDINANCES OR ORDINANCES IN CONFLICT THEROF.

The city of Aumsville ordains as follows:

Section 1. Minors Nighttime Curfew. No person under 18 years of age shall be in or upon any street, highway, park, alley or other public place between the hours of 10:00 p.m. and 6:00 a.m. the following morning, Sunday through Thursday and 12:00 midnight and 6:00 a.m. the following morning, Friday and Saturday unless the minor is:

- (A) Accompanied by a parent, guardian or other person 18 years of age or over and authorized by the parent or by law to have care and custody of the minor; or
- (B) Engaged in lawful pursuit or activity which requires the presence of the minor in such public places during the hours specified in this section; or
- (C) Emancipated pursuant to ORS 419B.550 to 419B.558.

[Section 1 amended by Ord. No. 495, sec. 1, passed September 24, 2001.]

Section 2. Minors Daytime Curfew.

- (A) No minor between the ages of 7 and 18 years, who has not completed the 12th grade shall be in or upon any street, highway, park, alley or other public place during regular school hours; except while attending school as required by ORS 339.010 to 339.065; unless the minor is:
 - (1) Accompanied by a parent, guardian or other person 18 years of age or over and authorized by the parent or by law to have care and custody of the minor;
 - (2) Engaged in lawful pursuit or activity which requires the presence of the minor in such public places during regular school hours and is authorized by the minor's parent, guardian, or other person having the legal care and custody of such minor;
 - (3) Emancipated pursuant to ORS 419B.550 to 419B.558; or
 - (4) The minor is authorized and approved to be away from the school as provided in ORS 339.030 and 339.065, but is not suspended or expelled.
- (B) For the purpose of this section, regular school hours are: those hours for the fulltime school which the child would attend in the school district in which the child resides, on any day for which school is in session unless such day is a scheduled vacation or holiday observed by the school.

[Section 2 added by Ord. No. 495, sec. 1, passed September 24, 2001.]

Section 3. Parental Responsibility.

- (A) No parent, guardian or other person having the legal custody of a minor person under the age of 18 years shall allow or permit the minor to be in violation of Section 1 above.
- (B) No parent, guardian, or person having the legal care and custody of a minor between the ages of 5 and 18 years who has not completed the 12th grade shall allow such minor to be in violation of Section 2 above.
- (C) Violating parental responsibility under this section is a violation subject to a maximum fine of \$250.00.

[Section 2 renumbered to Section 3 as amended by Ord. No. 495, sec. 1, passed September 24, 2001.]

Section 4. Enforcement.

- (A) Any police officer or any other law enforcement officer is authorized and empowered to take into custody a minor violating any provision of Section 1 and/or Section 2 above. A minor who has been taken into custody may be taken to the police department. The officer shall use due diligence to find the parent or guardian or person having custody of the minor, and shall release the minor to such person at the police department. For violations of Section 2, a police officer may, in lieu of holding the minor person in custody for delivery to a parent or legal guardian, release the minor to the principal or other designated official at the school at which the minor is enrolled.
- (B) It shall be unlawful and shall be considered a separate offense for any parent, guardian, or any other adult person having the legal care and custody of any person under the age of 18 years to refuse to come to the police officer and take the minor person under his or her custody immediately to the minor's home upon being notified by the police department in accordance with this section.

[Section 3 renumbered to Section 4 as amended by Ord. No. 495, sec. 1, passed September 24, 2001.]

Section 5. Subsequent Violations. Upon subsequent violations the parent, guardian or person having legal care and custody shall be served with a citation to appear before the Aumsville Municipal Court with the minor to show cause why this ordinance has been violated again. The municipal court may, upon a finding of a second violation, impose the civil penalty set forth above. [Section 4 renumbered to Section 5 as amended by Ord. No. 495, sec. 1, passed September 24, 2001.]

Section 6. Repeal. Ordinance No. 367 is hereby repealed. Further, any and all other ordinances or sections of ordinances that are in conflict with this Ordinance No. 410 are hereby repealed. [Section 5 renumbered to Section 6 by Ord. No. 495, sec. 1, passed September 24, 2001.]

PASSED by the council and signed by the mayor October 10, 1994.