

## CHAPTER 97: CURFEW FOR MINORS

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### § 97.01 PURPOSE.

The purpose of this chapter is to establish a curfew for minors in the town, thus assisting the parents and guardians of minors in the ever-increasingly difficult task of child rearing, and to promote the health, safety, and welfare of both minors and adults in the town by creating an environment offering protection and security for all concerned.

(Ord. 1992-4, passed 6-15-92)

### § 97.02 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply:

**PUBLIC PLACE.** Areas such as but not limited to, all common areas open to all for common use; alleys, streets or public places or places of business and amusement; public vehicular areas, highways, and parks; establishments open to the public for the conduct of business.

**GUARDIAN.** One who legally has the care and management of the person of a child defined as a minor by this chapter.

**MINOR.** A person who has not reached his sixteenth birthday and is not married, emancipated, or a member of the armed services of the United States.

(Ord. 1992-4, passed 6-15-92)

### § 97.03 CURFEW ESTABLISHED.

A curfew applicable to minors is hereby established and shall be enforced as follows in this chapter.

(Ord. 1992-4, passed 6-15-92)

**§ 97.04 TIME LIMITS.**

It is unlawful for any minor to be or remain upon any public place as defined in this chapter in the town between midnight Friday and 5:00 a.m. on Saturday, or between midnight Saturday and 5:00 a.m. on Sunday, or between the hours of 11:00 p.m. and 5:00 a.m. of the following morning on Sunday, Monday, Tuesday, Wednesday, or Thursday.

(Ord. 1992-4, passed 6-15-92) Penalty, see § 97.99

**§ 97.05 EXCEPTIONS.**

The restrictions provided by § 97.04 shall not apply to any minor who is accompanied by a guardian, parent, or other person over the age of 18 charged with the care and custody of such minor, nor shall the restriction apply to any minor who is traveling between his home or place of employment, church or school where a function is being held.

(Ord. 1992-4, passed 6-15-92)

**§ 97.06 RESPONSIBILITY OF ADULTS.**

It is unlawful for any parent, guardian, or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon, or remain in or upon a public place within the town within the curfew hours set by § 97.04, except as otherwise provided in § 97.05.

(Ord. 1992-4, passed 6-15-92) Penalty, see § 97.99

**§ 97.07 RESPONSIBILITY OF BUSINESS ESTABLISHMENTS.**

It is unlawful for any person, firm, or corporation operating a place of business or amusement to allow or permit any minor to be in or upon, or to remain in or upon, any place of business or amusement operated by them within the curfew hours set by § 97.04, except as otherwise provided in § 97.05.

(Ord. 1992-4, passed 6-15-92) Penalty, see § 97.99

**§ 97.08 ENFORCEMENT.**

(A) When a minor is found to be in violation of this chapter, the officer will check with the Records Center of the town Police Department to determine if the juvenile is a first offender. If the juvenile is a first offender, he/she will be taken to the residence of his/her parent or guardian. A written warning will be given to that adult, and an information report taken by the officer to include the name of the juvenile and adult, and the time, date, and location of the offense. This report will be turned over to the Police Record Center and filed.

(B) If, upon checking with the Records Center, the juvenile is found to be a repeat offender he/she will be taken to the residence of his/her parent or guardian and the adult will be subject to a criminal citation pursuant to § 97.09. A report will be turned in to the Police Records Center and filed.

(C) If the juvenile is under 12 years of age or has more than three offenses under this chapter, a report will be made and a copy forwarded to the Polk County Department of Social Services.

(Ord. 1992-4, passed 6-15-92)

#### **§ 97.09 AIDING AND ABETTING BY ADULT GUARDIAN OR PARENT.**

It shall be a violation of this chapter for an adult, guardian or parent to allow, permit, encourage, aid or abet a minor in the violation of § 97.04, except as otherwise provided in § 97.05.

(Ord. 1992-4, passed 6-15-92) Penalty, see § 97.99

#### **§ 97.10 REFUSAL OF GUARDIAN OR PARENT TO TAKE CUSTODY OF A MINOR.**

If any guardian or parent refuses to take custody of his/her minor child found in violation of this chapter, the officers with custody of said minor shall contact the Polk County Department of Social Services and release the minor to that agency for temporary placement in a foster home. The adult will be subject to a criminal citation pursuant to § 97.09.

(Ord. 1992-4, passed 6-15-92)

#### **§ 97.11 EMERGENCY CURFEW.**

(A) Under the authority of G.S. § 14-288.12, whenever the Mayor deems that an emergency exists, and there is a clear and present danger to the preservation of the public peace, health, life or safety or to the curfew provisions set forth in § 97.09, the Mayor may affect such expansion effective for the period of the emergency by proclamation.

(B) The proclamation shall contain a statement of the reasons for such necessity, the period of the expanded curfew, and provide that no minor under the age of 16 shall be upon or about or remain upon or about public places as defined by this chapter in the town between the hours of 8:00 p.m. or 5:00 a.m. of the following morning unless accompanied by his parent, guardian or responsible adult.

(C) The proclamation may further provide that no parent or guardian of any minor under the age of 16 shall allow the child to be upon or about or remain upon or about any public place as defined by this chapter in the town between the hours of 8:00 p.m. or 5:00 a.m. of the following morning unless the child is under direction or protection of some adult person with authority and consent of such parent or guardian for his/her being there.

(D) The proclamation shall become effective 30 minutes after being publicly announced by the Mayor for the said period or until rescinded by the Mayor or repealed by Council in the manner in which ordinances are repealed. As soon as is reasonable possible the proclamation shall be published and reported in the local media and posted publicly and conspicuously about the town.

(Ord. 1992-4, passed 6-15-92)

**§ 97.99 PENALTY.**

Anyone who violates any provision of this chapter shall be subject to a fine of \$50 and/or imprisonment up to 30 days.  
(Ord. 1992-4, passed 6-15-92)