

Section 926 – Curfew

Section 926:00. Regulating the Presence of Persons Under the Age of 18 Years.

Subd. 1. Curfew, Hours, and Ages. It shall be unlawful for any minor to loiter, idle, or be in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public refreshment, vacant lots, or other unsupervised places.

- (a) For minors fifteen (15) years of age and younger, this prohibitions shall apply between the hours of 10:00 P.M. and 5:00 A.M. of the following day.
- (b) For minors sixteen (16) and seventeen (17) years of age, this prohibition shall apply between the hours of 12:00 A.M. and 5:00 A.M. of the following day.
- (c) The provisions of this section shall not apply to:
 1. any minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor; or
 2. when the minor is upon an emergency errand or an errand directed by his or her parent, guardian, or other adult person having the care and custody of the minor; or
 3. when the minor is on a direct route to or from his or her place of employment.

Subd. 2. Parents, Duties. It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a minor, to permit such minor to loiter, idle, or be in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement, entertainment, refreshment, vacant lots, or other unsupervised places in violation of Section 1 of this ordinance. However, the provisions of this section shall not apply when the minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor or when the minor is upon an emergency errand or an errand directed by his or her parent, guardian, or other adult person having the care and custody of the minor.

Subd. 3. Business, Duties. It shall be unlawful for any person, firm, or corporation, operating or in charge of any place of amusement, entertainment, or refreshment to permit any minor to enter or remain in such place during the hours prohibited by this ordinance; provided, however, that the provisions of this section shall not apply when such minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor.

Subd. 4. Social Functions. Any school, church, lodge, or other similar organization, or parent or guardian, who desires to hold any athletic, musical, dramatic, or social activity or entertainment for minors under the age of eighteen (18) years, which entertainment shall require such minors to be out at a later hour than that allowed in this ordinance, shall:

- (a) notify in advance the Chief of Police or an officer designated by him, or a community service officer to have the minors stay out to this later hour;

- (b) the application shall state the approximate time the entertainment will end;
- (c) and the minors who attend this function shall be required to be off the public streets within one-half hour after the function is concluded.

Subd. 5. Penalty, Parents. Any parent, guardian, or other adult person having the care and custody of a minor under the age of eighteen (18) years who shall violate the provisions of Section 2 hereof, shall, upon conviction, be guilty of a misdemeanor, subject to the penalties set forth in state law for misdemeanors.

Subd. 6. Penalty, Businesses. Any person, firm, or corporation operating or in charge of any places of amusement, entertainment, or refreshment who shall violate the provisions of Section 3 of this ordinance, shall, upon conviction, be guilty of misdemeanor, subject to the penalties set forth in state law for misdemeanors.

Subd. 7. Penalty, Minor. Any person under the age of 18 found in violation of Section 1 shall be ordered to go home immediately. Should court action be initiated, the minor shall be dealt with in accordance with juvenile court law and procedure. Violation of this is a misdemeanor offense.

Subd. 8. Severability and Repealer. All ordinances or portions of ordinances in conflict herewith are hereby repealed. Should any section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions shall remain in full force and effect.

Subd. 9. Effective Date of Ordinance. This ordinance shall be effective from and after its adoption and publication as provided by law.

Subd. 10. Codification. This ordinance shall be codified under Section 926 of the 1974 Code of Ordinances of the City of Foley.

Section 926:00 Subd. 7 of the 1974 Code of Ordinances was amended by Ordinance Number 271, adopted July 2, 1996 and published July 16, 1996.

Section 926:00 of the 1974 Code of Ordinances was amended by Ordinance Number 273, adding Subd. 10, adopted September 17, 1996 and published September 24, 1996.

Section 926:00, Subd. 4 of the 1974 Code of Ordinances was amended by Ordinance Number 396, passed and adopted January 3, 2012.