

CHAPTER 46

CURFEW FOR MINORS

46.01 Preamble
46.02 Definitions
46.03 Offenses

46.04 Exceptions
46.05 Enforcement
46.06 Warning

46.01 PREAMBLE. The City of Cascade recognizes that all citizens including minors have certain rights. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This Chapter should be interpreted to avoid any construction that would result in the appearance or interference with the free exercise of religious worship and political association, and this Ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious, or cultural matters or association for purposes such as marches, demonstrations, picketing, or prayer vigils, which are otherwise lawful and peaceful assemblies.

46.02 DEFINITIONS. In this Chapter:

1. "Curfew" means between 10:00 p.m. and 5:30 a.m. Sunday through Thursday nights, and between 11 :00 p.m. and 5:30 a.m. Friday and Saturday nights.
2. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. "Establishment" means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.
4. "Guardian" means:
 - A. A person who, under court order, is the guardian of the person of a minor; or
 - B. A public or private agency with whom a minor has been placed by a court.
5. "Minor" means any person under age 17 years.
6. "Operator" means any person operating or managing any establishment.
7. "Parent" means a person who is:

- A. A biological parent, adoptive parent, or step-parent of another person; or
 - B. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- 8. "Public place" means 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.
- 9. "Remain" means to:
 - A. Linger or stay; or
 - B. Fail to leave premises when requested to do so by a police officer or the owners, operator, or other person in control of the premises.
- 10. "Serious Bodily Injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

46.03 OFFENSES.

- 1. No minor shall remain in any public place during curfew hours as defined in Section 46.02(1).
- 2. A parent or guardian of a minor commits an offense if they knowingly permit, or by insufficient control, allow the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
- 3. The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

46.04 EXCEPTIONS.

- 1. It is a defense to prosecution under this chapter that the minor was:
 - A. Accompanied by the minor's parent or guardian;
 - B. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - C. In a motor vehicle involved in interstate travel;
 - D. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - E. Involved in an emergency;

F. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Cascade, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Cascade, a civic organization, or another similar entity that takes responsibility for the minor;

G. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

H. Married or had been married.

2. It is a defense to prosecution under Subsection 46.02(3) that the operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

46.05 ENFORCEMENT.

1. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception in Section 46.03 is present.

2. A minor who is in violation of this Ordinance shall be reunited with the minor's parent or guardian or custodian or other adult taking the place of the parent or shall be taken home by the police officers of the City of Cascade.

46.06 WARNING. The first time a minor is detained by law enforcement for violation of this section, the minor shall be delivered to the person having legal custody of said minor. The minor and legal custodian shall be informed of the provisions in this section. Any subsequent violation shall be subject to a penalty.