

TITLE 5

CHAPTER 1

**OFFENSES AND CRIMES**

**ARTICLE A. MINORS**

SECTION:

- 5-1A-1: Curfew
- 5-1A-2: Truancy

**5-1A-1: CURFEW**

- A. Declaration of Findings and Policy: The city council finds that it is in the best interest of the city and the citizens thereof to establish a uniform curfew ordinance because it:
  - 1. Provides a clear message about appropriate norms for youth in our community;
  - 2. Provides clear boundaries and supervision;
  - 3. Reduces crime;
  - 4. Provides parents with an extra tool to keep children safe, as youth who are off the streets at night are less likely to be victims of crimes; and
  - 5. Provides police more resources through this written ordinance to fight crime in our community. (Ord. 11-25-97, 11-25-1997)
- B. Prohibited Acts:
  - 1. It is unlawful for any minor under eighteen (18) years of age to remain or loiter on any of the sidewalks, streets, alleys or public places in the city between ten thirty o'clock (10:30) P.M. and five o'clock (5:00) A.M. immediately following from Sunday evening through Friday morning.
  - 2. It is unlawful for any minor under eighteen (18) years of age to remain or loiter on any of the sidewalks, streets, alleys or public places in the city between twelve o'clock (12:00) midnight and five o'clock (5:00) A.M. immediately following from Friday evening through Sunday morning.
  - 3. It is unlawful for any parent, guardian or other person having legal care and custody or any minor under eighteen (18) years of age to allow or permit any such minor to remain or loiter on any of the sidewalks, streets, alleys or

public places in the city, within the times provided in subsections B1 and B2 of this section, except as provided in subsection B4 of this section.

4. The provisions of subsections B1 through B3 of this section shall not apply where the minor under the age of eighteen (18) is:
  - a. Married;
  - b. Accompanied by a parent, guardian or other adult person having care of such minor;
  - c. Returning home from, going to or being in attendance at any religious or school function, organized dance, theater, sports event or other such associational activity; provided, however, that going to or from such activity shall be by a direct route and within a reasonable time of the commencement or termination of such event;
  - d. Engaged in a legitimate emergency errand;
  - e. Engaged in legitimate employment and can produce evidence of such employment; or
  - f. In a motor vehicle engaged in normal travel, while traveling to, from or through the city on an interstate trip. (Ord. 11-25-97, 11-25-1997)

#### **5-1A-2: TRUANCY**

- A. Definitions: The following words and phrases used in this section shall have the following meaning unless a different meaning clearly appears from the context:

**COMPULSORY SCHOOL AGE MINOR:** A person between six (6) and eighteen (18) years of age that is not exempted and must be attending a public or regularly established private school during the school year of the district in which the minor resides pursuant to Utah compulsory education requirements, Utah Code Annotated section 53A-11-101 et seq.

**EMERGENCY:** An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

**ESTABLISHMENT:** Any privately owned place of business operated for profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

- GUARDIAN:** A person who is:
1. Under court order, is the guardian of a minor; or
  2. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.
- OPEN CAMPUS:** When a compulsory school age minor is allowed by school officials to leave school for lunch purposes.
- OPERATOR:** Any individual firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- PARENT:** A person who is:
1. A natural parent, adoptive parent, or step parent of another person; or
  2. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.
- PUBLIC PLACE:** 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 area of schools, hospitals, apartment houses, office buildings, public property and shops.
- REMAIN:**
1. Linger or stay; or
  2. Fail to leave the premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.
- SERIOUS BODILY INJURY:** Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- TRUANCY HOURS:** Those hours in which a compulsory school age youth should be attending school in the district or jurisdiction in which the student attends school.

**B. Offenses:**

1. A compulsory school age minor commits an offense if he remains in any public place or on the premises of any establishment within the city during truancy hours.

2. A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, a compulsory school age minor to remain in any public place or on the premises of the establishment during truancy hours.
  3. The owner, operator or any employee of an establishment commits an offense if he knowingly allows a compulsory school age minor to remain upon the premises of the establishment during truancy hours.
- C. Defenses:
1. It is a defense to prosecution under subsection B of this section that the minor was:
    - a. Accompanied by the minor's parent or guardian;
    - b. On an errand at the discretion of the minor's parent or guardian, without any detour or stop;
    - c. In a motor vehicle involved in interstate or intrastate travel with permission of the minor's parent or guardian;
    - 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. Following school policy regarding open campus for lunch;
    - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
    - h. 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
    - i. Married or had been married or had disabilities in accordance with state law.
  2. It is a defense to prosecution under subsection B of this section that the owner, operator or employee of an establishment promptly notified the police department that a "compulsory school age minor" was present on the premises of the establishment during truancy hours and the minor refused to leave.

- D. Enforcement: 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 defense in subsection C of this section is present. (Ord. 99-8-24, 8-24-1999)
- E. Penalties: A person who violates a provision of this section is guilty of a Class C Misdemeanor and a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable as provided in section 1-4-1 of this code. (Ord. 99-8-24, 8-24-1999; amd. 2005 Code)