

DAYTIME CURFEW ORDINANCE 2014-

SECTION:

6-3D-1 Definitions

6-3D-2 Offenses

6-3D-3 Defenses

6-3D-4 Enforcement Procedures

6-3D-5 Penalties

6-3D-1: Definitions. For purpose of this ordinance:

- A. Adult: Any person eighteen (18) years of age and older.
- B. Emergency: An unforeseen circumstance or circumstances or the resulting situation that calls for immediate action to prevent serious bodily injury or loss of life. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- C. Establishment: Any privately owned place of business to which the public is invited, including, but not limited to, any place of amusement, entertainment, recreation.
- D. Loiter: To idle, linger, wander, stroll, walk, drive, or ride aimlessly about.
- E. Minor: Persons under the age of eighteen (18).
- F. Parent: A person who is the natural or adoptive parent of a person. "Parent" includes a court appointed guardian or other person eighteen (18) years of age or older authorized by the parent, by a court order, or by a court-appointed guardian to have the care and custody of the person.
- G. Public Place: Any place to which the public or a substantial group of the public has access, including, but not limited to public streets, open private streets, highways, sidewalks, alleys, parks, playgrounds, public buildings, and appurtenant open spaces and parking lots, vacant lots, or other public places.

6-3D-2: Offenses-Parental Responsibility

1. It is a violation of this ordinance for any minor who is subject to compulsory education to loiter, idle, wander, or be upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, or the premises of any establishment, vacant lots, any dwelling not their current residence, or any unsupervised place between the hours of 8:30 a.m. and 2:00 p.m. on any day when school is in session for that minor.
2. It is a violation of this ordinance for any minor who is subject to a compulsory alternative education program to loiter, idle, wander, or be in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, or the premises of any establishment, vacant lots, any dwelling not their current residence, or any unsupervised place between the hours of 8:30 a.m. and 2:00 p.m. on any day when that minor would otherwise be required to attend a regular compulsory education school.
3. It is a violation of this ordinance for the parent of any minor to knowingly permit or by insufficient control allow the minor to be in violation of subsection (1) or (2).

6-3D-3: Defenses- It is a defense to prosecution under this ordinance:

1. When a minor, fourteen (14) years or older, is emancipated by marriage.
2. When the minor is accompanied by a parent, guardian, or other adult person having the care, custody or supervision of said minor.
3. When the minor is in a motor vehicle involved in interstate travel.
4. When the minor was on an errand at the direction of the minor's parent or guardian, without detour or stop.
5. When the minor is acting in response to an emergency.
6. When the minor was going to, or returning directly from a medical or dental appointment.

7. When the minor has permission to leave the school campus for lunch or a school-sponsored activity, or has in their possession a valid, school-issued, off-campus permit.
8. When the minor was attending, or without detour or stop, was going to, or returning from a school-approved , recreational activity or educational activity, supervised by adults, and sponsored by the local school district, another school district, or any civic, religious or other government organization.
9. When the minor was going to, or returning directly from, a compulsory alternative education program activity.
10. When the minor was going to, or returning directly from, the minor's place of school-approved employment.
11. When the minor has been granted an exemption for "home schooling" as prescribed by the local board of education.
12. When the minor has been otherwise granted an exemption to compulsory education by the local board of education, under section 53A-11-102, Utah Code Annotated, as amended, or any successor provision.

6-3D-4 Enforcement Procedure

1. Before taking any enforcement action under the provisions in this section, a peace officer shall ask the apparent offender's age and reason for being in a public place or other restricted place.
2. The peace officer shall not take enforcement under this section if the officer has reasonable cause to believe that any defense under subsection 6-3D-3 applies.
3. Upon any violation of Section 6-3D-2 (1) or (2), a peace officer may issue a citation to the minor and may transport the minor home or to the school from which the minor is absent. If cited, the minor and a parent shall appear in court as directed on the citation. The parent shall be advised of the fact that the minor was cited for a violation of this ordinance. The parents shall be warned of their responsibility and liability as the minor's parents.

4. If a parent has been previously warned as set forth in this ordinance, upon a parent's first violation of Section 6-3D-2 (3) of this ordinance, a peace officer may issue a citation for an infraction to the parent.
5. When a parent has previously been issued a citation for an infraction as set forth in Section 6-3D-3 (4), upon any subsequent violation by the parent of Section 6-3D-2 (3), a peace officer may issue a citation for a Class "C" misdemeanor to the parent of the minor.

6-3D-5 Penalties

1. A minor convicted of a first-time violation of Section 6-3D-2 (1) may be placed on probation with the school for a period of up to ninety days. If the minor does not have another unexcused absence or violations of Section 6-3D-2 (2), the case may be dismissed by the court upon a conformation from the school that the minor has complied.
2. A minor convicted of a violation of Section 6-3D-2 (1) or (2) is guilty of an infraction. In addition to any fee/fine, the court shall review whether community service is appropriate. A minor referred to Youth Court shall be assessed a fee of at least fifty-dollars (\$50.00).
3. (i) A parent convicted of a violation of Section 6-3D-2 (3) shall be guilty of an infraction if the parent had been previously given formal warning of the requirements of this ordinance or

(ii) A Class "C" misdemeanor if the parent had been previously convicted of violation of Section 6-3D-2 (3).