

---

NORTH OGDEN CITY  
STAFF REPORT

---

**TO:** MAYOR AND CITY COUNCIL  
**FROM:** KEVIN WARREN, CHIEF OF POLICE  
**SUBJECT:** Daytime Curfew Ordinance  
**DATE:** 9/23/2014

---

The document submitted with this staff report contains a draft proposal for a Daytime Curfew Ordinance involving minors who are subject to compulsory education. Said ordinance, if adopted, would make it illegal during school hours for a minor to loiter, idle, wander, or be upon public streets, parks, any dwelling not their 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. This ordinance also makes it a violation for any parent to knowingly permit, or by insufficient control allow the minor to be in violation of the Daytime Curfew Ordinance. Defenses to prosecution under this ordinance have also been incorporated into the ordinance, and an officer investigating a daytime curfew violation is obligated to determine whether or not the student meets the criteria for an exception.

The purpose of the ordinance has three aims: 1) Keep students in school where they belong, 2) Protect minors from becoming victims of crime, and 3) Protect the public from juvenile offenders. All students up to age 17 are subject to the ordinance. Parents and guardians who violate the ordinance will be warned first, and only cited after repeat offenses.

Utah's current truancy statute, 53A-11-105, allows a peace officer or school administrator to take a minor into temporary custody for truancy. Once in custody, the minor is either returned to the school or released to a parent. The local receiving center in Ogden City is a last resort and will accept a truant minor if they are open, and if space is available. The proposed Daytime Curfew ordinance targets truant minors, and allows Juvenile Court to try and redirect behavior through counseling or a monetary fine.

The proposed Daytime Ordinance has received support from North Ogden City Civil Attorney Jon Call, Prosecuting Attorney Brandon Miles, and Juvenile Court Prosecuting Attorney David Gladwell. Principals from local schools also share their support.