WOODBURY COUNTY, IOWA
ORDINANCE NO. 8

TITLE: An ordinance establishing a curfew for minors under the age of eighteen (18) years in the unincorporated area of Woodbury County, Iowa. This ordinance may be known and cited as the "County Curfew Ordinance" of Woodbury County, Iowa.

WHEREAS, the Woodbury County Board of Supervisors finds that juvenile crime increases proportionately with age between ten (10) years and seventeen (17) years, that an inordinate proportion of crimes are committed during the hours of darkness after 11:00 P.M. o'clock, and that a large proportion of murders, robberies, rapes, and aggravated assaults occur in public places, streets and highways;

WHEREAS, juveniles under the age of eighteen (18) years lack maturity and life experience to deal with peer pressure that often causes juveniles to engage in activities that would jeopardize the safety of the juveniles and tends to promote juvenile crime and violence in Woodbury County;

WHEREAS, The Woodbury County Board of Supervisors finds that the protection of minors from other minors and from adults will be enhanced by the imposition of a curfew in unincorporated area of Woodbury County;

WHEREAS, the aim of this ordinance is to aid in the protection of the public from nocturnal mischief by minors as well as penalize those adult individuals who encourage or permit activities by juveniles not in their best interest;

WHEREAS, it is not the intent of the Woodbury County Board of Supervisors to penalize every juvenile found in public during curfew hours, but to use the ordinance as a tool to better address other criminal activity problems that may potentially involve juveniles;

WHEREAS, the Woodbury County Board of Supervisors finds that a curfew will aid in the reduction of criminal activity by minors; and

WHEREAS, the Woodbury County Board of Supervisors finds that the enforcement of parental control and responsibility for children will be enhanced by a curfew.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA:

SECTION 1: **Definitions**. As used in this ordinance, unless the context otherwise requires:

(1) Minor - an unemancipated person who has not yet reached his or her 18th birthday. A minor does not include a person under 18 who is married or who is a member of the armed forces of the United States.

(2) Parent - a person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis, or by virtue of Court order.

(3) Street - a way or place, of whatever nature, open to the use of the public as a matter of right for vehicular or pedestrian travel, including but not limited to streets, alleys, sidewalks, irrespective of what the right of way is called.

(4) 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, roadways, parks, public recreation, entertainment or civic facility, schools, and the common areas of hospitals, apartment houses, office buildings, transport facilities, and shops.

(5) Establishment - any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any store, bar, restaurant, laundromat, car wash, bank facility, and place of amusement or entertainment inclusive of the grounds thereof.

(6) Emergency - an unforeseen combination of circumstances or the resulting state that calls for immediate action, to include but not limited to, fire, natural disaster, automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(7) Allow - to either permit or neglect to prevent with actual or constructive knowledge, Knowledge will be presumed if the circumstances be such that a reasonable prudent parent or person should have known the minor was violating this ordinance.

(8) Remain - to stay behind, to tarry, or to stay unnecessarily at, upon or in any public assembly, building, place, street or highway, fail to leave premises when requested to do so by a police office or the owner, operator, or other person in control of the premises.

SECTION 2: **Loitering of minors prohibited**. No minor shall loiter, idle, wander, stroll, or play in or upon any public streets, highways, alleys, vacant lots, in any public parks, public buildings, places of amusement and entertainment located within the unincorporated area of Woodbury County, State of Iowa between the hours of:

(1) eleven (11) o'clock p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, and six (6) o'clock a.m. of the following day.

(2) twelve (12) o'clock (midnight) on any Friday or Saturday and six (6) o'clock a.m., of the following day.

SECTION 3: **Exceptions**. In the following situations, a minor shall not be considered in violation of the Curfew Ordinance. The exceptions are as follows:

1. When the minor is accompanied by his or her parent, guardian, or other adult person then having the care and custody of the minor;

2. When the minor is accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose. Such permission shall be written and presented to a peace officer upon request;

3. When the minor is upon an emergency errand or legitimate business as directed in writing, dated and signed by his or her parent, guardian, or other adult person then having the care and custody of the minor and presented to a peace officer upon request;

4. When the minor exercises First Amendment rights, such as freedom of speech, free exercise of religion, right of assembly, or right to petition the government, and use of county streets is a necessary incident thereto;

5. When the minor is traveling to or from a school-sponsored or church-sponsored, or government-sponsored event, said minors while at the event or while traveling along the most direct route between the event and the minor's place of residence shall not be deemed to violate Section 1 until after twelve o'clock (midnight);

6. When the minor is returning home by a direct route from and within 30 minutes from the termination of a school or church activity, or government sponsored activity or event;

7. When the minor traveling to report for work or returning home from work along the most direct route between the minor's place of residence and the minor's place of employment;

8. When the minor is traveling through the unincorporated area of the county from a place that is not within the unincorporated area of the County, when such travel is by direct route.

SECTION 4. **Responsibility of Parents**. It is a violation of this ordinance for any parent, guardian, or other person having the care, custody and control of a minor under the age of eighteen to knowingly or negligently permit or allow such minor to violate the provisions of Section 2, except as otherwise provided in Section 3.

SECTION 5. **Responsibility of Business Establishments**. It is a violation of this ordinance for any person, firm or corporation operating a place of business or amusement within the unincorporated area of Woodbury County, Iowa to knowingly or negligently permit or allow any minor to be in or upon any place of business or amusement operated by them within the curfew hours set by Section 2, except as otherwise provided in Section 3. This section, however, shall not apply to any minor who is lawfully employed on the premises.

SECTION 6. **Enforcement**. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in a 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 no exception set forth in subdivision 3 is applicable. Upon arrest, the minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of the minor.

SECTION 7. **Referral and Follow-up**. All contacts with juveniles under this section shall be referred to the policy social worker for follow-up contact with the minor's parent or guardian.

SECTION 8. **Penalty Clause**. The violation of any of the provisions of this ordinance shall constitute a simple misdemeanor. Any minor, parent, guardian or other adult person having the care, custody and control of a minor, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance, upon conviction, shall be subject to a fine of not more than one hundred dollars ($100.00) or imprisonment of not more than thirty (30) days. Each day that a violation is permitted to exist shall constitute a separate offense.

The violation of any of the provisions of this ordinance shall also constitute a civil infraction. Any minor, parent, guardian or other adult person having the care, custody and control of a minor, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance, upon judgment shall be subject to the following

fine schedule: First violation one hundred dollars ($100.00); second violation two hundred dollars ($200.00); each repeated violation ($200.00). Each day that a violation occurs or is permitted to exist constitutes a separate violation.

SECTION 9. **Legal control of minors**. This ordinance shall not be construed to give any minor the right to loiter, idle, wander, stroll or play in or upon the public streets, roads, alleys, vacant lots, public buildings, places of amusement and entertainment until and except for the hours designated in this chapter, and all minors shall at all times, be subject to legal control by parents, guardian, or others having the care, custody and control of any minor.

SECTION 10. **Repealer Clause**. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

SECTION 11. **Severability Clause**. Should any section, subsection, sentence, clause, phrase, provision or portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional.

SECTION 12. **Effective Date**. This ordinance shall be in full force and effect after its final passage, approval and publication as provided by law.

This Ordinance passed and approved by the Board of Supervisors of Woodbury County, Iowa, on this 4th day of February, 1997.

First Hearing: 12/31/96

Second Hearing: 01-28-97

Third Hearing: 02-04-97

WOODBURY COUNTY BOARD OF SUPERVISORS

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ATTEST:

Patrick Gill
County Auditor