WOODBURY COUNTY, IOWA
ORDIANCE NO. 19

TITLE: An ordinance establishing a curfew for minors in the unincorporated area of Woodbury County, Iowa.

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

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 the 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; and

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

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" means an unemancipated person who is under the age of eighteen (18) years.

(2) "Parent" means a person having legal custody of a minor as a natural or adoptive parent, as a legal guardian or custodian appointed by the courts, or an adult who has accepted the role of parent at the request of the natural or adoptive parent, guardian or custodian.

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

(4) "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, roadways, parks, public recreational areas, entertainment or civic facilities, schools, the common areas of hospitals, apartment houses, establishments, shopping centers, office buildings, transport facilities, parking lots, shops, and vacant lots.

(5) "Establishment" means any privately owned place of business operated for a profit to which the public is invited, including, but limited to, any store, bar, restaurant, laundromat, car wash, bank facility, and place of amusement or entertainment inclusive of the grounds thereof.

(6) "Emergency" means an occurrence calling for immediate action, including but not limited to a fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent bodily injury, loss of life, or to help alleviate illness.

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

(8) "Remain" means 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 police officer or the owner, operator, or other person in control of the premises.

SECTION 2: **Prohibitions of Minors.**

(1) No minor under the age of fourteen (14) shall be or remain upon any public place or establishment or drive or be a passenger of any automobile, bicycle or other vehicle upon any public place located within the unincorporated area of Woodbury County, State of Iowa between the hours of ten (10) o'clock p.m. and six (6) o'clock a.m. of the following day.

(2) No minor who is fourteen (14) or fifteen (15) years of age shall be or remain upon any public place or drive or be a passenger of any automobile, bicycle or other vehicle upon any public place located within the unincorporated area of Woodbury County, State of Iowa between the hours of eleven (11) o'clock p.m. and six (6) o'clock a.m. of the following day.

(3) No minors who is sixteen (16) or seventeen (17) years of age shall be or remain upon any public place or drive or be a passenger of any automobile, bicycle or other vehicle upon any public place located within the unincorporated area of Woodbury County, State of Iowa between the hours of twelve (12) o'clock (midnight) and six (6) o'clock a.m. of the following day.

SECTION 3: **Exceptions.** A person does not commit a violation of this Curfew Ordinance if any of the following apply:

1. The minor is accompanied by his or her parent;

2. The minor is accompanied by an adult authorized by a parent of such minor. Such permission shall be written and presented to a peace officer upon request;

3. The minor is upon an errand in response to or in connection with an emergency;

4. The minor is doing lawful business as directed in writing, dated and signed by his or her parent and presented to a peace officer upon request;

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

6. The minor is seventeen (17) years of age and is voting in a primary election or is attending a political party caucus or convention.

7. The minor is attending a special function or entertainment of any school, church, club or other lawful organization that required such minor to be out at a later hour than that called for in Section 2, the minor shall be exempt from the provisions of Section 2 provided the church, school, club, or other lawful organization shall verify that the minor attended the special function. Minors who

attend the function shall be required to comply with the provisions of this section within thirty (30) minutes after the function has ended.

8. The minor is 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.

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

SECTION 4. **Responsibility of Parents.** It is a violation of this ordinance for any parent to allow any minor to be in or upon any public place within the unincorporated area of Woodbury County, Iowa during the curfew hours set by 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 an establishment within the unincorporated area of Woodbury County, Iowa to allow any minor to be in or upon any such establishment 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 in the scope of employment on the premises of the establishment.

SECTION 6. **Enforcement.** Before enforcement 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 section 3 is applicable. Upon arrest, the minor shall be returned to the custody of the parent.

SECTION 8. **Penalty Clause.** The violation of any of the provisions of this ordinance shall constitute a simple misdemeanor. Any parent, person, firm or corporation who is found guilty of any of the provisions of this ordinance 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 occurs shall constitute a separate offense.

The violation of any of the provisions of this ordinance shall also constitute a civil infraction. Any minor found guilty of a violation of any of the provisions of this ordinance shall, upon conviction be subject to a fine of not more than one hundred dollars ($100.00) or up to two hundred (200) hours of community service. Each day that a violation occurs constitutes a separate violation.

SECTION 9. **Legal control of minors.** This ordinance shall not be construed to give any minor the right to be upon the streets or public places until and except for the hours designated in this chapter, and all minors shall at all times, be subject to legal control by parents.

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, phrase, or provision 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 24th day of January, 2006.

First Hearing: _____

Second Hearing: _____

Third Hearing: _____

WOODBURY COUNTY BOARD OF SUPERVISORS

Larry D. Clausen, Chair

G.R. (Bob) Batcheller, Member

George W. Boykin, Member

Mark Monson, Member

Douglas L. Walish, Member

ATTEST:

Patrick Gill
County Auditor