

**ORDINANCE NO. 836**

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 9., "PUBLIC PEACE AND WELFARE", CHAPTER 9.24 "OFFENSES BY OR AGAINST MINORS" - CURFEW.**

WHEREAS, Stayton Municipal Code Section ("SMC") 9.24.510, relates to "Curfew for Minors; and,

WHEREAS, the Stayton City Council recognizes the need to amend the SMC curfew code for the protection of public peace, morals, and welfare:

NOW THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. Stayton Municipal Code Section 9.24.510 is hereby amended to read:

9.24.510 MINORS NIGHTTIME CURFEW

1. No minor under the age of eighteen (18) years shall be in or upon any street, highway, park, alley or public way or place between the hours specified in subsection 2. and 3. of this section unless:
  - a. The minor is accompanied by a parent, guardian, or other person over 18 years of age and authorized by the parent or by law to have care and custody of the minor; or
  - b. The minor is engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during the hours specified in this section; or
  - c. The minor is lawfully emancipated pursuant to Oregon Revised Statutes (ORS).
2. For minors under the age of sixteen (16) years, the curfew is between 10:00 p.m. and 6:00 a.m.
3. For minors sixteen (16) years of age or older, the curfew is between 12:00 a.m. and 6:00 a.m.

SECTION 2. Stayton Municipal Code is hereby amended to add:

9.24.520 MINORS DAYTIME CURFEW

1. No minor between the ages of seven (7) and eighteen (18) years, who has not completed the twelfth grade, shall be in or upon any street, highway, park,

alley or public way or place during regular school hours except while attending school as required by state law unless:

- a. The minor is accompanied by a parent, guardian, or other person over 18 years of age and authorized by the parent or by law to have care and custody of the minor; or,
  - b. The minor is engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during regular school hours and is authorized by the minor's parent, guardian, or other person having the legal care and custody of such minor; or,
  - c. The minor is lawfully emancipated pursuant to state law; or,
  - d. The minor is authorized and approved to be away from school as provided by state law, but is not suspended or expelled.
2. For the purposes of this section, regular school hours are those hours, for the full-time school, which the child would attend in the school district in which the child resides, on any day for which school is in session, unless such day is scheduled vacation or holiday observed by the school.

SECTION 3. Stayton Municipal Code is hereby amended to add:

9.24.530 RESPONSIBILITY OF PARENT OR GUARDIAN

1. No parent, guardian, or person having the care and custody of a minor under the age 18 years shall knowingly or negligently allow such minor upon a street, highway, park, alley, or other public way or place between the hours specified in Section 9.24.510, except as otherwise provided in that section.
2. No parent, guardian, or person having care and custody of a minor between the ages of 7 and 18 years of age, who has not completed the twelfth grade shall knowingly or negligently allow such minor to be in or upon any street, highway, park, alley, or other public place during regular school hours except as otherwise provided in Section 9.24.520.
3. For the purposes of Sections 9.24.510 and 9.24.520, a person negligently allows a violation of this Code Chapter if, in the exercise of reasonable diligence, the person knew or should have known that a violation would occur.

SECTION 4. Stayton Municipal Code is hereby amended to add:

9.24.540 ENFORCEMENT

1. Any police officer or any other law enforcement officer is hereby authorized and empowered to take charge of any person under the age of 18 years violating the provisions of Sections 9.24.510, 9.24.520 or 9.24.530.
2. It shall be the duty of any such officer taking charge of such person to thereafter notify the parent, guardian or authorized custodian that the minor will be held in the custody of the police officer until he or she can come and get such minor person.
3. For violations of Section 9.24.520, a police officer, in lieu of holding the minor in custody for delivery to a parent, legal guardian or authorized custodian, may release the minor to the principal or designated official at the school at which the minor is enrolled.

SECTION 5. Stayton Municipal Code is hereby amended to add:

9.24.550 DUTY OF PARENT, GUARDIAN OR CUSTODIAN TO PICK UP VIOLATORS

It shall be unlawful and shall be considered a separate offense for any parent, guardian, or any other adult person having the legal care and custody of any person under the age of 18 years to refuse the bidding to come to the police officer and take the minor person to the minor's home immediately upon being notified by the police department as provided in Section 9.24.540.

SECTION 6. Stayton Municipal Code is hereby amended to add:

9.24.560 PENALTY - VIOLATION BY A MINOR

Any minor who violates the provisions of this Ordinance may be taken into custody and be the subject of further proceedings as provided by law.

SECTION 7. Stayton Municipal Code is hereby amended to add:

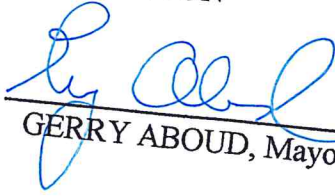
9.24.570 PENALTY - VIOLATION BY PARENT OR GUARDIAN

1. A violation of Section 9.24.530 shall be punishable as an infraction by a fine for each violation not to exceed \$250.00.
2. A violation of Section 9.24.550 shall be punishable as an infraction by a fine for each violation not to exceed \$100.00.

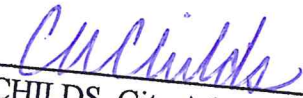
Adopted by the Stayton City Council on this 17<sup>th</sup> day of December, 2001.

CITY OF STAYTON

Date: 12/18/2001

By:   
GERRY ABOUD, Mayor

Date: 12-18-2001

Attest:   
CHRIS CHILDS, City Administrator

APPROVED AS TO FORM

  
DAVID A. RHOTEN, City Attorney