

Chapter 6-10

CURFEW FOR MINORS

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Section 6-10-01 DEFINITIONS

The terms as used in this Ordinance shall have the following meanings:

- A. Emergency. An unforeseen circumstance or combination of circumstances that requires immediate action to safeguard life, limb, or property. Emergencies shall include, but shall not be limited to, fires, natural disasters, automobile crashes, or other similar circumstances.

- B. Establishment. Any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, places for amusement or entertainment. The operator of an establishment shall include the person(s) authorized with management responsibilities who is on the premises of the establishment at the time in which a minor is located on the premises, the person with over-all authority for managing the establishment, and the person(s) or entity who owns the establishment.

- C. Guardian. A person who has been judicially appointed as the legal guardian, or a person over the age of eighteen (18) who has been authorized by the legal guardian or parent to assume care, control and responsibility for the minor for a definitive period of time.

- D. Minor. Any person under the age of eighteen (18).

- E. Parent. A minor's biological, adoptive or step-parent.

- F. Public Place. Any place to which the public or a substantial group of the public has access, including, but not limited to, streets, highways, thoroughfares, sidewalks, alleys, parking lots, parks, and the common areas of schools, hospitals, apartment complexes, office buildings, transportation facilities, entertainment facilities, and shops.

- G. Remain. To stay or linger at or upon a place; or to fail to depart when requested to do so by a police officer or a person with authority to act in the interest of the establishment or public place at which the minor is located.

(6342, Repealed & Replaced, 09/14/2004; 5648, Amended, 08/08/1995; 3119, Added, 12/09/1970)

Section 6-10-02 REGULATIONS

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6-10-02.01 Regulation of Minors

It shall be unlawful for any minor to remain in or upon any public place, to remain in any motor vehicle operating or parked in or upon a public place or establishment, or to remain in or upon the premises of any establishment, between the hours of 12:00 a.m. (midnight) and 5:00 a.m., unless their presence is explained by one of the enumerated exceptions.

6-10-02.02 Exceptions to the Regulation of Minors

- A. The minor is accompanied by a parent or guardian.
- B. An emergency situation exists.
- C. The minor is engaged in an employment activity, or is going to or returning home from such activity without detour or stop, except for purposes of obtaining fuel for transportation.
- D. The minor is on a sidewalk directly abutting the place in which they reside; or within 300 feet of their residence and the neighboring residents have not issued a complaint about the minor's presence.
- E. The minor is attending an activity sponsored by a school, religious, or civic organization, by a public organization or entity, or by another similar organization or entity, which activity is supervised by adults; or is going to or returning from such activity without detour or stop, except for purposes of obtaining fuel for transportation.
- F. The minor is on an errand and has in their possession written parental authorization for the errand to include the destination (s) of the errand, time allotted for the errand, and a contact telephone number to verify parental authorization.
- G. The minor is involved in interstate travel through, or beginning or terminating in, the City of Boise.
- H. The minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

6-10-02.03 Parental Responsibility

It is the responsibility of the parent or legal guardian to ensure that a minor complies with this Chapter. It shall be unlawful for a parent or legal guardian to knowingly permit, allow, or encourage a violation of this Chapter.

6-10-02.04 Operator of an Establishment

It shall be unlawful for any operator of an establishment, as defined within this Chapter, to knowingly permit, allow or encourage a minor to remain at or upon the premises of the

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establishment in violation of this Chapter. It shall be a defense to this violation that the operator or an employee of the establishment promptly notified police that a minor was present at the establishment and refused to leave when requested.

6-10-02.05 Operator or Owner of a Motor Vehicle

It shall be unlawful for the owner or operator of a motor vehicle to knowingly permit, allow or encourage a violation of this Chapter.

6-10-02.06 Required Information

Every person suspected of a curfew violation shall provide their name and age to a police officer upon request. Any person who refuses to provide such information, or who knowingly gives false information regarding their name or age, or another person's name or age to any police officer conducting an investigation under this Chapter shall be in violation of this Chapter.

(6342, Repealed & Replaced, 09/14/2004; 2109, Added, 01/01/1952, Sec. 2; 1952 Code, Sec. 19-202)

Section 6-10-03 ENFORCEMENT

6-10-03.01 Enforcement

Before taking any enforcement action under this Chapter, a police officer shall investigate whether the minor's presence in a public place, motor vehicle, or establishment falls within one of the enumerated exceptions to minor regulations. If the officer cannot reasonably determine the existence of one of the enumerated exceptions, and probable cause otherwise exists, the officer may take appropriate enforcement action.

6-10-03.02 Penalties

Any person found to be in violation of any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine no greater than \$300.00 or imprisonment in the county jail for no more than six (6) months or by both such fine and imprisonment.

(6342, Added, 09/14/2004)