

CHAPTER 130: GENERAL OFFENSES

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GENERAL REGULATIONS

§ 130.01 DISCHARGING FIREARM, AIR GUN OR BOW AND ARROW WITHIN CITY PROHIBITED.

It is a misdemeanor for any person to discharge any firearm, air gun or bow and arrow within the city or to cause a projectile therefrom to enter into the city unless:

(A) By a police officer in the course of law enforcement;

(B) By a person protecting life of a person; or

(C) By a special permit of the City Council.

(Ord. 609, passed 12-18-96) Penalty, see § 130.99

CURFEWS FOR MINORS**§ 130.15 PURPOSE.**

(A) The curfew for minors within the city is being implemented for the following four primary reasons:

- (1) To protect the public from illegal acts of minors committed after the curfew hour;
- (2) To protect minors from improper influences that prevail after the curfew hour, including involvement with gangs;
- (3) To protect minors from criminal activity that occurs after the curfew hour; and
- (4) To help parents control their minor children.

(B) The City Council finds that residents and visitors have been harassed while traveling on city streets and sidewalks by groups of minors; that minors engaged in mimes while on the streets late in the evening; that minors have been enticed to join organized gangs and have been victimized by gangs late in the evening and that the Council believes that this curfew for minors will help lessen the aforementioned problems.

(Ord. 260, passed 7-13-00)

§ 130.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMERGENCY ERRAND. A task that if not completed promptly threatens the health, safety or comfort of the minor or a member of the minor's household. This includes, but is not limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or Fire Department personnel and seeking shelter from the elements or urgent assistance from a utility company due to a natural or man-made calamity.

OFFICIAL CITY TIME. To be determined by reference to the master clock contained in the console of the Dispatch Center at the Olmsted County/City of Rochester Law Enforcement Center.

PLACES OF AMUSEMENT, ENTERTAINMENT OR REFRESHMENT. These places include but are not limited to movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants and pool halls.

PRIMARY CARE or CUSTODY. The person who is responsible for providing food, clothing, shelter and other basic necessities to the minor. The person providing primary care or custody to the minor cannot be another minor.

SCHOOL ACTIVITY. An event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

(Ord. 260, passed 7-13-00)

§ 130.17 HOURS.

(A) *Minors under the age of 16.* No minor under the age of 16 shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement, entertainment or refreshment or vacant lots between the hours of 10:00 p.m. and 5:00 a.m. of the following day, official city time.

(B) *Minors ages sixteen to 18.* No minor of the ages of 16 or 17 shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement, entertainment or refreshment or vacant lots between the hours of 12:00 midnight and 5:00 a.m. of the following day, official city time.

(Ord. 260, passed 7-13-00)

§ 130.18 EFFECT ON CONTROL BY ADULT RESPONSIBLE FOR MINOR.

Section 130.17 is not to be construed to give a minor the right to stay out until the curfew hours designated herein if otherwise directed by a parent, guardian or other adult person having the primary care and custody of the minor; nor should it be construed to diminish or impair the control of the adult person having primary care or custody of the minor.

(Ord. 260, passed 7-13-00)

§ 130.19 EXCEPTIONS.

The provisions of § 130.17 do not apply to the following situations:

(A) To a minor accompanied by his or her parent, guardian or other adult person having the primary care and custody of the minor;

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(B) To a minor who is upon an emergency errand directed by his or her parent, guardian or other adult person having the primary care and custody of the minor;

(C) To a minor who is in any of the places described in § 130.17 in connection with or as required by an employer engaged in a lawful business, trade, profession or occupation or to a minor traveling directly to and from the location of such business, trade, profession or occupation and the minors residence. Minors who fall within this section must carry written proof of employment as well as the hours the employer requires the minor's presence at work;

(D) To a minor who is participating in or traveling already to or from an event which has been officially designated as a "school activity" by public or parochial school authorities;

(E) To a minor who is passing through the city in the course of interstate travel during the hours of the curfew;

(F) To a minor who is attending or traveling directly to or from an activity involving the exercise of the first amendment rights of free speech, freedom of assembly or freedom of religion. Minors who wish to exercise their rights pursuant to this section must notify the City Clerk-Treasurer at least 24 hours in advance of the start of the gathering where these rights will be exercised.

(Ord. 260, passed 7-13-00)

§ 130.20 DUTIES OF PERSON LEGALLY RESPONSIBLE FOR MINOR.

No parent, guardian or other adult having the primary care or custody of any minor shall permit any violation of the requirements of this section.

(Ord. 260, passed 7-13-00)

§ 130.21 DUTIES OF CERTAIN OTHER PERSONS.

No person operating or in charge of any place of amusement, entertainment or refreshment shall permit any minor to enter or remain in such place during the hours prohibited by this section, unless accompanied by the parent, guardian or other adult person having primary care or custody of the minor.

(Ord. 260, passed 7-13-00)

§ 130.99 PENALTY.

(A) Whoever shall violate any provision of this section for which no specific penalty is provided shall be punished as set forth in § 10.99 of this code of ordinances.

(B) (1) A minor found to be in violation of §§ 130.15 *et seq.* may be adjudicated delinquent and is subject to the disposition alternatives set forth in M.S. § 260.185.

(2) Any adult person violating §§ 130.15 *et seq.* shall be guilty of a misdemeanor and shall be punished as provided in § 10.99.
(Ord. 260, passed 7-13-00)

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