


Resolution 2016-08  
Resolution Approving Blue Earth County Curfew Ordinance

WHEREAS, the Blue Earth County Board passed a Blue Earth County Juvenile Ordinance that was shaped and crafted by a working group and reviewed by all cities in Blue Earth County. Currently each city has different ages and hours for their individual curfew ordinance and adoption of this ordinance will help law enforcement across the county to have a consistent curfew.

NOW THEREFORE, be it resolved by the Vernon Center City Council to rescind the City of Vernon Center Curfew Ordinance #52 and to follow the Blue Earth County Juvenile Curfew Ordinance.

Passed and adopted by the Vernon Center City Council this 2<sup>nd</sup> day of August, 2016.

  
Dana Ziegler, Mayor

  
Patricia Krosch, City Clerk-Treas.

## BLUE EARTH COUNTY JUVENILE CURFEW ORDINANCE

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An ordinance setting a county-wide, nighttime curfew for juveniles. This ordinance is adopted pursuant to Minn. Stat. §145A.05, subd. 7a (1995).

### Section 1: FINDINGS AND PURPOSE

- (A) In recent years, there has been an increase in juvenile victimization and crime. At the same time, the crimes committed by and against juveniles have become more violent. A significant percentage of juvenile crime occurs during curfew hours.
- (B) Because of their lack of maturity and experience, juveniles are particularly susceptible to becoming victims of older perpetrators. The younger a person is, the more likely he or she is to be a victim of crime.
- (C) While parents have the primary responsibility to provide for the safety and welfare of juveniles, Blue Earth County also has a substantial interest in the safety and welfare of juveniles. Moreover, Blue Earth County has an interest in preventing juvenile crime, promoting parental supervision, and providing for the wellbeing of the general public.
- (D) A county-wide curfew will reduce juvenile victimization and crime and will advance public safety, health, and general welfare.

### Section 2: DEFINITIONS

- (A) "Juvenile" means a person under the age of eighteen (18). The term does not include persons under eighteen (18) who are married or have become legally emancipated.
- (B) "Parent" means birth parents, adoptive parents, and step-parents.
- (C) "Guardian" means an adult appointed pursuant to Minn. Stat. §525.6155 or §525.6165 who has the powers and responsibilities of a parent as defined by Minn. Stat. §525.619.
- (D) "Responsible adult" means a person eighteen (18) years or older specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.



- (E) "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, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- (F) "Emergency" means a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.
- (G) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any body part or organ.
- (H) "Establishment" means any privately-owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment, or refreshment.
- (I) "Proprietor" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

### **Section 3: PROHIBITED ACTS**

- (A)(1) It is unlawful for a juvenile age twelve (12) and under to be present in any public place or establishment within Blue Earth County, any time between 9:00 p.m. and 5:00 a.m.
- (A)(2) A law enforcement officer may not issue a citation, detain a child or take a child into custody based on a violation of Section 3(A)(1) unless the law enforcement officer, after speaking with the child and considering the facts and surrounding circumstances:
  - (a) reasonably believes that the child has violated Section 3(A)(1); and
  - (b) reasonably believes that none of the exceptions in Section 4(A) apply.
- (B)(1) It is unlawful for a juvenile, age thirteen (13) thru age seventeen (17), to be present in any public place or establishment within Blue Earth County, any time between 11:00 p.m. and 5:00 a.m.
- (B)(2) A law enforcement officer may not issue a citation, detain a child or take a child into custody based on a violation of Section 3(B)(1) unless the law enforcement officer, after speaking with the child and considering the facts and surrounding circumstances:
  - (a) reasonably believes that the child has violated Section 3(B)(1); and
  - (b) reasonably believes that none of the exceptions in Section 4(A) apply.
- (C) It is unlawful for a parent or guardian of a juvenile knowingly, or through negligent supervision, to permit the juvenile to be in any public place or establishment within Blue Earth County during the hours prohibited in paragraphs (A) and (B) of this section.

- (D) It is unlawful for a proprietor of an establishment within Blue Earth County to knowingly permit a juvenile to remain in the establishment or on the establishment's property during the hours prohibited in paragraphs (A) and (B) of this section.

If the proprietor is not present at the time of the curfew violation, the responding officer shall leave written notice of the violation with an employee of the establishment. A copy of the written notice shall be served upon the establishment's proprietor personally or by certified mail.

#### **Section 4: EXCEPTIONS**

- (A) It is an affirmative defense for a juvenile to prove that:
1. the juvenile was accompanied by his or her parent, guardian, or other responsible adult.
  2. the juvenile was engaged in a lawful employment activity or was going to or returning home from his or her place of employment.
  3. the juvenile was involved in an emergency situation.
  4. the juvenile was going to, attending, or returning home from an official school, religious, or other recreational activity sponsored and/or supervised by a public entity or a civic organization.
  5. the juvenile was on an errand at the direction of a parent or guardian.
  6. the juvenile was exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota.
  7. the juvenile was engaged in interstate travel.
  8. the juvenile was on the public right-of-way boulevard or sidewalk abutting the property containing the juvenile's residence or abutting the neighboring property, structure, or residence.
- (B) It is an affirmative defense for a proprietor of an establishment to prove that:
1. the proprietor or employee reasonably and in good faith relied upon a juvenile's representations of proof of age. Proof of age may be established pursuant to Minn. Stat. §340A.503, subd. 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates.
  2. the proprietor or employee promptly notified the responsible law enforcement authority that a juvenile was present on the premises of the establishment during curfew hours.

**SECTION 5: PENALTY**

- (A) Violation of Section 3(A) or (B) will be prosecuted pursuant to Minn. Stat. §260B.235 and will be subject to the penalties therein.
- (B) Violation of Section 3(C) or (D) is a misdemeanor and will be subject to the penalties set forth in Minn. Stat. §609.03.

**SECTION 6: REVIEW**

The County Board shall conduct yearly reviews of this ordinance to assess the effectiveness of and continuing need for a juvenile curfew. Prior to the annual review, the County Attorney shall prepare and submit a report to the County Board evaluating violations of this ordinance and juvenile crime and victimization during the preceding year.

**SECTION 7: EFFECTIVE DATE**

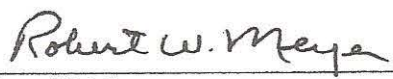
This ordinance shall take effect immediately upon passage by the Blue Earth County Board of Commissioners.

Passed by the Board of County Commissioners of Blue Earth County this 19<sup>th</sup> day of July, 2016.

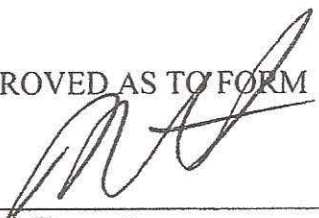
COUNTY OF BLUE EARTH  
STATE OF MINNESOTA

By:   
Kip Bruender, Chair  
Blue Earth County Board

ATTEST:

  
Robert W Meyer  
Blue Earth County Administrator

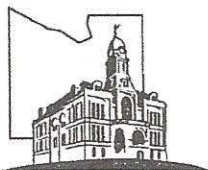
APPROVED AS TO FORM

  
Pat McDermott  
Blue Earth County Attorney

ORDINANCE PREPARED BY:

Blue Earth County Attorney's Office  
401 Carver Road  
Mankato, MN 56001

COUNTY ADMINISTRATOR'S CERTIFICATE OF TRANSCRIPT



BLUE EARTH  
COUNTY

State of Minnesota }  
County of Blue Earth } EE

I, Robert W. Meyer, County Administrator of said County of Blue Earth do hereby certify that I have compared the foregoing attached copy with the original resolution 2016-218 to approve the Juvenile Curfew Ordinance as presented effective immediately, now remaining on file and of record in my office, and that the same is a correct transcript therefrom, and the whole of such original.

SEAL  
AFFIXED



WITNESS my hand and official seal, this 19<sup>th</sup>  
day of July, 2016.

*Robert W. Meyer*  
County Administrator

**550CR843**

**CERTIFIED, FILED AND/OR RECORDED ON**

**08/03/2016 2:02 PM**

**BLUE EARTH COUNTY, MN**

**MICHAEL STALBERGER COUNTY RECORDER**

**TAXPAYER SERVICES DIRECTOR**

**REC FEE: 0.00EXEMPT: Y**

**MRT PD: EXEMPT: N/A**

**PAGES: 6**

Blue Earth County  
Admin

6 pgs

N/C

