

ORDINANCE NO. 4787

An Ordinance relating to daytime curfew, providing penalties, and amending McMinnville Municipal Code Chapter 9.40.

RECITALS

The concept of a daytime curfew ordinance was proposed by a committee composed of citizens, school officials, and members of the McMinnville Police Department in 2000. The ordinance was proposed in response to concerns expressed by citizens regarding illegal behavior by young people who were believed to be of school age but who were not in school during regular school hours.

In April 2003, the McMinnville School Board endorsed the proposed ordinance in substantially the form in which it appears before the City Council.

The City Council held a public hearing on this ordinance on June 11, 2003.

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. McMinnville Municipal Code Chapter 9.40 shall be amended by the addition of the following language:

Section 2. 9.40.025 MINORS' DAYTIME CURFEW.

A No minor between the ages of 7 and 18 years who has not completed the twelfth grade shall be in or upon any street, highway, park, alley, or other public place during regular school hours, as required by ORS 339.010 to 339.065, unless:

1. The minor is accompanied by a parent, guardian, or other person 18 years of age or over who has been authorized by the parent or by law to have care and custody of the minor;
2. The minor is then 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;
3. The minor is lawfully emancipated pursuant to ORS 419B.550 to 419B.558;
4. The minor is authorized and approved to be away from the school as provided in ORS 339.065, but is not suspended or expelled;
5. The minor is exempt from compulsory school attendance under ORS 339.030, or
6. The minor is exercising First Amendment rights protected by the United States Constitution.

B. For purposes of this section, regular school hours are the hours during which the child is scheduled to be in classes.

- C. No parent, guardian, or person having the care and custody of a minor who is under the age of 18 years and who is not otherwise exempted from the provisions of this section, shall allow such minor to be in or upon any street, highway, park, alley, or other public place between the hours specified in this ordinance, except as otherwise provided in this ordinance.
- D. A 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 this ordinance. It shall be the duty of an officer taking charge of this minor to immediately attempt to notify the parent or guardian of the minor that the minor has been taken into the charge of the officer. The officer may then release the minor to the principal or other designated official at the school at which the minor is enrolled. In lieu of releasing the minor to the principal or other designated official at the school at which the minor is enrolled, the officer may hold or make provisions for the minor to be held until the officer or other person in charge of the minor is able to release the minor directly to the parent or guardian.
- E. The provisions of McMinnville Municipal Code 9.40.025, as enacted by this ordinance, shall be in full force and effect for a period of one year from the effective date of this ordinance. MMC Section 9.40.025 shall be automatically revoked one year from the effective date of the ordinance, absent action by the City Council to reconsider and reinstate this Section.

Approved this            day of July 2003.

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MAYOR

Attest:

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CITY RECORDER

Approved as to form:

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CITY ATTORNEY