

## CHAPTER 12 JUVENILE CURFEW

### 5-12-1: Definitions.

*Emergency.* An unforeseen circumstance or combination of circumstances that requires immediate action to safeguard life, limb, or property. This term includes, but is not limited to, a fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

*Employment activity.* Activities that are within the course and scope of the juvenile's employment. This shall include traveling between the juvenile's residence and the juvenile's employment.

*Establishment.* Any privately owned place of business operated for a profit to which any portion of the public is invited, including, but not limited to, any place of amusement or entertainment.

*Employment.* Gainful employment undertaken by the juvenile.

*Operator of an establishment.* Persons authorized with management responsibilities who are on the premises of the establishment at the time in which a juvenile is located on the premises.

*Parent.* A person who is (1) a natural parent, adoptive parent, or step-parent of a juvenile; or (2) at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a juvenile. This shall not include a foster parent.

*Public place.* Any place to which the public or a substantial group of the public has access, including but not limited to, streets, alleys, sidewalks, parking lots, parks, and transportation facilities.

*Remain.* To stay 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 juvenile is located.

All other terms used in this Chapter shall be consistent with the meaning of the same as they appear in Title 20, Chapter 5 of the Idaho Code.

### 5-12-2: Curfew Hours Established.

Pursuant to Title 20, Chapter 5 of the Idaho Code, curfew hours in the City shall be the hours between 1:00 a.m. and 5:00 a.m. local time on every day of the week.

### 5-12-3: Prohibited Acts.

(A) It shall be unlawful for any juvenile to be in a public place or on the premises of or in any establishment within the City during curfew hours.

(B) It shall be unlawful for any parent, legal guardian with legal and physical custody, or other person lawfully charged with the care or custody of a juvenile to knowingly permit, or, by insufficient control, allow the juvenile under the age of sixteen (16) to be in a public place or on the premises of or in any establishment within the City during curfew hours.

(C) It shall be unlawful for the operator of an establishment to, by any act or neglect, encourage, aid, or cause a juvenile to be on the premises of or in the establishment during curfew hours.

5-12-4: Exceptions.

(A) This Chapter shall not apply to a juvenile that is:

- (1) accompanied by the juvenile's parent or legal guardian; or
- (2) within the property boundary of the juvenile's residence.

5-12-5: Defenses.

(A) It shall be a defense to a violation of this Chapter that during curfew hours the offending juvenile was:

- (1) involved or assisting in an emergency situation; or
- (2) engaged in employment activity.

(B) It shall be a defense to a violation of this Chapter that the parent, legal guardian with legal and physical custody, or other person lawfully charged with the care or custody of an offending juvenile under the age of sixteen (16) took reasonable steps to control the conduct of such juvenile at the time the parent or legal guardian is alleged to have knowingly permitted or, by insufficient control, allowed such juvenile to violate this Chapter.

(C) It shall be a defense to a violation of this Chapter that, during curfew hours, the operator of an establishment:

- (1) promptly notified police that a juvenile was present at the establishment and refused to leave when requested; or
- (2) was given by the juvenile a fraudulent form of identification indicating the juvenile was over the age of seventeen (17).

5-12-6: Punishment.

(A) A violation of this Chapter by a juvenile or by the operator of an establishment shall be administered, enforced, and punished pursuant to Title 20, Chapter 5 of the Idaho Code.

(B) A violation of this Chapter by a parent, legal guardian with legal and physical custody, or other person lawfully charged with the care or custody of an offending juvenile shall be guilty of a misdemeanor and shall be subject to a fine in an amount set from time to time by Resolution of Council. In lieu of imposing a fine, the parent, legal guardian, or other person may consent to completing parenting classes or undertaking other treatment or counseling; and upon the person's completion of the classes, treatment or counseling, the person may be discharged; or if the person fails to complete the program, the person shall be subject to the penalties provided in Title 32, Chapter 13 of the Idaho Code.

(C) Any person violating the orders of the court entered in connection with a violation of this Chapter shall be subject to contempt proceedings in accordance with chapter 6, title 7, of the Idaho Code, in addition to any other penalties provided in the Idaho Code. (Ord. 2964, 8-14-14)