

ORDINANCE NO. 688

AN ORDINANCE CREATING A JUVENILE CURFEW WITHIN AUMSVILLE'S CITY LIMITS; ESTABLISHING PARENTAL /GUARDIAN RESPONSIBILITY AND REPEALING ORDINANCE NO. 410.

The City of Aumsville ordains as follows:

Section 1. Minors Nighttime Curfew. No minor under 18 years of age may be in or upon any street, highway, park, alley, or other public place between the hours of 10:00 p.m. and 6:00 a.m. the following morning, Sunday through Thursday and 12:00 midnight and 6:00 a.m. the following morning, Friday and Saturday unless the minor is:

- (A) Accompanied by a parent, guardian, or other person 18 years of age or over authorized by the parent or by law to have care and custody of the minor; or
- (B) Engaged in lawful pursuit or activity requiring the presence of the minor in such public places during the hours specified in this section; or
- (C) Emancipated pursuant to ORS 419B.550 to 419B.558.

Section 2. Minors Daytime Curfew.

- (A) No minor between the ages of 7 to 18 years, who has not completed 12th grade may be in or upon any street, highway, park, alley, or other public place during regular school hours, excepting attending school unless:
 - (1) Accompanied by a parent, guardian, or other person 18 years of age or over and authorized by the parent or by law to have care and custody of the minor;
 - (2) Engaged in lawful pursuit or activity requiring the minor's presence in such public places during regular school hours and said presence is authorized by the minor's parent, guardian, or other person having the legal care and custody thereof;
 - (3) Validly emancipated pursuant to Oregon or other law; or
 - (4) The minor is authorized and approved to be away from the school as provided in ORS 339.030 and 339.065, but is not suspended or expelled.
- (B) For the purpose of this section, "regular school hours" are those full-time school hours for the school which the minor would attend in the school district where the minor resides on days the school is in session excepting days resulting from scheduled vacations, holidays, or when inclement weather/other similar events preclude attendance.

Section 3. Parental Responsibility.

- (A) No parent, guardian or other person having legal custody of a minor under 18 years shall allow or permit the minor to be in violation of Section 1 above.
- (B) No parent, guardian, or person having legal care and custody of a minor between the ages of 7 and 18 years shall allow such minor to be in violation of Section 2 above.
- (C) No parent, guardian, or other person having legal care and custody of a minor under 18 years may fail, refuse, or neglect to come to the police department after

being notified by the police of the minor's custody at the police department. The minor, subject to the terms of ORS 419C100, be then released to the parent, guardian or other person have legal care and custody of the minor.

- (D) Violating the obligations under this section is subject to a maximum civil penalty not to exceed \$250.00 per day per minor.

Section 4. Enforcement.

- (A) A police officer or any other law enforcement officer is authorized to take a minor violating Section 1 and/or Section 2 above into custody and thereafter take the minor to the police department. The officer shall thereupon use his/her due diligence to locate the parent, guardian, or other person having legal custody of the minor, and subject to ORS 419C.100, may release the minor to such person at the police department.
- (B) For violations of Section 2, a police or other law enforcement officer, may after locating and notifying the parent, legal guardian, or other person having legal care of the minor that the officer may, with that person's agreement release the minor to the principal or other designated official at the school where the minor is enrolled.

Section 5. Repeal. Ordinance 410 is hereby repealed.

Section 6. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the 14th day of December, 2020.



Ron Harding, City Administrator

SIGNED by the mayor this 17th day of December, 2020



Derek Clevenger, Mayor