

Ordinance Abstract

Sherburne County
Amendment to Curfew Ordinance for Minors
ORD-226

The purpose and intent of this ordinance, adopted on February 6, 2018, is to amend ordinance no. 18 (ORD-018) and ordinance no 32 (ORD-32) Section 4 Jurisdiction, Section 6 (i), Section 6 (ii), Section 7 (ii) Section 8 (Penalties) ii, and Section 9 as described in the Ordinance.

HISTORY

ORD-018
ORD-032

H://Administration files/ORDINANC/ABSTRACT/ORD-226

An Amended Ordinance Establishing a Curfew for Minors and Penalties Therefore for the
Minors and their Parent(s)

Section 1. Purpose. This ordinance is enacted to ensure the safety of our youths in public places in the late evening hours and early morning hours and to further provide accountability of the youth and their parent(s) for the youth activities in our community. *

*Comment: Minnesota Statutes 145A.05, subd. 7a provides that a County Board may adopt an ordinance establishing county wide curfew for persons under 18 years of age.

Section 2. Title. This ordinance shall be known and may be cited and referred to as the "Sherburne County Curfew Ordinance."

Section 3. Validity. Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared invalid.

Section 4. Jurisdiction. The jurisdiction of this Ordinance shall be in all unincorporated areas of the County.

Section 5. Interpretation. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the protection of the public safety and general welfare.

Section 6. Definitions and Rules of Language.

- i. "Minor" means any individual who is under the age of 18 and has not been declared by a court of competent jurisdiction as being emancipated.
- ii. "Parent" means any individual who is 18 or older and is the birth or adoptive parent of the minor, or who has the legal custody of the minor as established by order of a court of competent jurisdiction. This definition excludes individuals who are providing foster care as it is defined in Minnesota Statute 260B.007, subd. 7.
- iii. Unless specifically defined herein, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. Words used in the present tense shall include the future; words in the singular shall include the plural; and the words "shall" and "must" are mandatory and not discretionary.

Section 7. Minors' Curfew. It shall be unlawful for any minor who is unaccompanied by a parent or an adult who does not have permission of the parent to be with the minor, to be present upon any public street, avenue, alley, park, playground or place open to the public, or place of amusement and entertainment, vacant lot, or other unsupervised place in the County during the following hours:

- i. if the minor is under the age of 16, between the hours of 10:00 p.m. of a day and 5:00 a.m. of the following day;
- ii. if the minor is 16 or older, between the hours of 12:00 a.m. of a day and 5:00 a.m. of the following day.

It shall be an affirmative defense to a prosecution under this ordinance if a youth is involved with an organized school or church activity or who is in the employ of a business at the time of the violation.

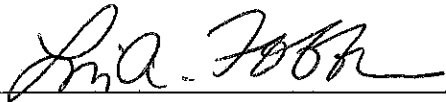
It shall be unlawful for any parent of a minor to allow or permit such minor to violate the provisions of this ordinance.

Section 8. Penalties.

- i. For the Minor. A minor may be charged with a misdemeanor under this ordinance.
- ii. For the Parent. A parent of a minor may be charged with a misdemeanor under this ordinance.
- iii. For the Parent, Repeat Violations. Any parent whose minor violates this Ordinance shall be notified of all offenses at the address given by the minor or the parent's last-known address. Service by first-class mail to the last-known address or the address given by the minor shall be deemed notice to such parent. The parent shall be notified that if the minor commits three or more curfew violations, then the parent shall be held subject to the penalties set forth herein.

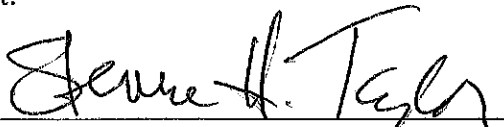
Section 9. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law. This Ordinance also shall supersede any prior Sherburne County Curfew Ordinance, including ordinance no. 18 (ORD-18) and ordinance no. 32 (ORD-32).

Passed and approved this 6th day of February, 2018.



Chair, Sherburne County Board of Commissioners

Attest:



Sherburne County Administrator/Clerk of County Board

Effective Date: February 17, 2018

Office of the County Recorder
Sherburne County, MN
Doc. No. 852358

Certified, filed, and or recorded on
February 21, 2018 2:00 PM

Michelle Ashe, County Recorder
By SD Deputy
Fees: \$0.00



852358

**Sherburne County
Curfew Ordinance
ORD - 226**

Notice of Enactment: On the 6th day of February, 2018, the Sherburne County Board of Commissioners adopted amendments to the Ordinance Establishing a Curfew for Minors and Penalties therefore to Minors and their Parents, to wit:

Section 4. Jurisdiction. The jurisdiction of this Ordinance shall be ~~county wide including incorporated areas in all unincorporated areas of the County.~~

Section 6 (i). Change the number 17 to 18 so a minor is anyone under the age of 18.

Section 6. (ii). Change the citation from 260.015 to 260B.007 (defines individuals who provide foster care.)

Section 7 (ii) to modify the language; "if the minor is 16 or older, between the hours of 12:00 a.m. of a day and 5:00a.m. of the following day. It shall be an affirmative defense to a prosecution under this ordinance if a youth is involved with an organized school or church activity or who is in the employ of a business at the time of the violation. It shall be unlawful for any parent of a minor ~~under the age of 17~~ to allow or permit such minor to violate the provisions of this ordinance."

Section 8 (Penalties)...~~ii. For the Parent. A parent of a minor may be charged with a misdemeanor under this ordinance.~~ ~~ii. For the Parent, Repeat Violations.~~ Any parent, whose minor violates this ~~provision~~ Ordinance shall be notified of all offenses at the address given by the minor or the parent's last last-known address. Service by ~~first~~ first-class mail to the ~~last last-known~~ address or the address given by the minor shall be deemed notice to such parent. The parent shall be notified that if the minor ~~incurs~~ commits three or more curfew violations, then the parent shall be held subject to the penalties set forth herein. ~~iii. For the Parent. A parent of a person under the age of 17 (minor) may be charged with a misdemeanor under this ordinance.~~

Section 9. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law. This Ordinance also shall supersede any prior Sherburne County Curfew Ordinance, including ordinance No. 18 (ORD-18) and ordinance no. 32 (ORD-32).

The amended ordinance is available from the Auditor/Treasurer, M-F; 8-4:30, 13880 Business Center Dr. Elk River MN or on line at <http://www.co.sherburne.mn.us/county/ordinances.php>.

Lisa A. Fobbe

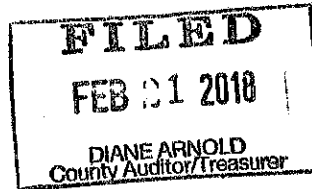
Lisa A. Fobbe, County Board Chair

This foregoing instrument was acknowledged before me
this 6 day of February, 2018.



Lynn M. George
Signature of person taking acknowledgement

Drafted by the Sherburne County
Attorney's Office
Sherburne County Government Center



AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF SHERBURNE

Darlene MacPherson being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Star News

with the known office of issue being located in the county of:

SHERBURNE

with additional circulation in the counties of:
WRIGHT

and has full knowledge of the facts stated below:

- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 01/20/2018 and the last insertion being on 01/20/2018.

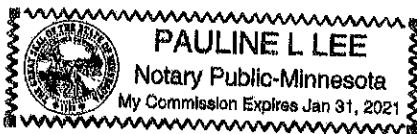
MORTGAGE FORECLOSURE NOTICES

Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: D. MacPherson
Designated Agent

Subscribed and sworn to or affirmed before me on 01/20/2018 by Darlene MacPherson.

Pauline L. Lee
Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:
\$23.00 per column inch

Ad ID 776221

SHERBURNE COUNTY

Take Notice that on the 8th day of February, 2018 at 4:30 pm or as soon thereafter as the matter may be heard, the Sherburne County Board of Commissioners will hold a public hearing in the County Board Room, 13880 Business Ctr. Dr., Elk River MN to consider enactment of amendments to "Ordinance Establishing a Curfew for Minors and Penalties therefore to Minors and their Parents", to wit: adding a curfew of midnight for 17 year olds in the County's unincorporated areas, update state citation, clean up verbiage; clarify the charging language as it applies to parents and to establish the amendment effective date. A complete copy of the proposed amendments is available from the Auditor/Treasurer, M-F; 8-4:30 pm at the above address or on line at <http://www.co.sherburne.mn.us/county/ordinances.php>.

Published in the
Star News
January 20, 2018
776221

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF SHERBURNE) ss

Darlene MacPherson being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Star News

with the known office of issue being located in the county of:

SHERBURNE

with additional circulation in the counties of:
WRIGHT

and has full knowledge of the facts stated below:

- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 02/17/2018 and the last insertion being on 02/17/2018.

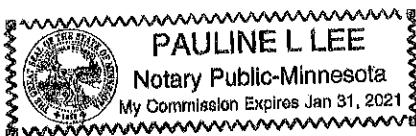
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By: D. MacPherson
Designated Agent

Subscribed and sworn to or affirmed before me on 02/17/2018 by Darlene MacPherson.

Pauline L. Lee
Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:
\$23.00 per column inch

Ad ID 783465

SHERBURNE COUNTY CURFEW ORDINANCE ORD - 226

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Section 6. (ii). Change the citation from 260.015 to 260B.007 (defines individuals who provide foster care.)

Section 7 (ii) to modify the language; "If the minor is 16 or older, between the hours of 12:00 a.m. of a day and 5:00a.m. of the following day. It shall be an affirmative defense to a prosecution under this ordinance if a youth is involved with an organized school or church activity or who is in the employ of a business at the time of the violation. It shall be unlawful for any parent of a minor under the age of 17 to allow or permit such minor to violate the provisions of this ordinance."

Section 8 (Penalties)...
i. For the Parent. A parent of a minor may be charged with a misdemeanor under this ordinance.
ii. For the Parent. Repeat Violations. Any parent, whose minor violates this provision Ordinance shall be notified of all offenses at the address given by the minor or the parent's last last-known address. Service by first first-class mail to the last last-known address or the address given by the minor shall be deemed notice to such parent. The parent shall be notified that if the minor incurs-commits three or more curfew violations, then the parent shall be held subject to the penalties set forth herein.
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Lisa A. Fobbe,
County Board Chair
This foregoing instrument was acknowledged before me this 8th day of February, 2018.
Lynn M. George

Signature of person taking acknowledgment
Drafted by the Sherburne County Attorney's Office
Sherburne County Government Center

Published in the
Star News
February 17, 2018
783465