

# ORDINANCE NO. 203-09

## AN ORDINANCE OF UINTAH CITY DEFINING A CURFEW ORDINANCE

### RECITALS

Uintah City has authority, pursuant to Utah Code Ann. Section 10-8-84 to enact all ordinances which “are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city.”

WHEREAS, minors constitute a class founded upon natural and intrinsic distinctions from adults; and

WHEREAS, the Uintah City Council has determined that there has been an increase in juvenile violence, juvenile gang activity, and crime by persons under the age of eighteen in Uintah City; and

WHEREAS, persons under the age of eighteen (18) are more susceptible to participating in unlawful, gang-related activities, and to become victims of older perpetrators of crime; and

WHEREAS, legislation particularly applicable to minors is necessary to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities;

**NOW THEREFORE**, be it ordained by the Uintah City Council as follows:

**SECTION 1:** The following new Chapters are hereby added to the Uintah Municipal Ordinance Code which shall read as follows:

- Chapter 1. Definitions
- Chapter 2. Minors Prohibited in Public Places - Responsibility of Parents and Guardians
- Chapter 3. Exemptions
- Chapter 4. Enforcement Procedures
- Chapter 5. Violations

## **CHAPTER 1 DEFINITIONS.**

1. As used in this chapter, the following words shall have the following meanings, unless clearly indicated otherwise by the context:
  - a. **"Emergency"** means an unforeseen circumstance or circumstances or the resulting situation that calls for immediate action to prevent serious bodily injury or loss of life. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
  - b. **"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 recreation.
  - c. **"Loiter"** means to idle, linger, wander, stroll, walk, drive, or ride aimlessly about.
  - d. **"Minor"** means persons under the age of eighteen (18).
  - e. **"Public Place"** means:
    - i. Any out-of door area to which the public or a substantial group of the public has access, including, but not limited to, public streets, open private streets, highways, sidewalks, alleys, parks, playgrounds, public buildings and appurtenant open spaces and parking lots, open vacant lots, or other public places.
    - ii. Out-of door common areas of establishments, including, but not limited to, entryways and parking lots.
  - f. **"Remain"** means to linger or stay, or fail to leave a public place when requested to do so by a police officer or the person in control of the public place.

## **CHAPTER 2 MINORS PROHIBITED IN PUBLIC PLACES - RESPONSIBILITY OF PARENTS AND GUARDIANS.**

1. It is unlawful for any minor under the age of sixteen (16) to loiter or remain in any public place within Uintah City between the hours of 10 p.m. and 5 a.m. following, except as provided in Chapter 3, Exemptions, below.

2. It is unlawful for any minor sixteen (16) years of age or older to loiter or remain in any public place within Uintah City between the hours of 12 midnight and 5 a.m. following, except as provided in Chapter 3, Exemptions, below.
3. It is unlawful for any parent, guardian, or other person having legal care and custody of any minor dealt with respectively in Subsections 1 and .2 of this Section to allow or permit any such minor to remain or loiter in any public place, except as provided in Chapter 3, Exemptions, below.

### **CHAPTER 3 EXEMPTIONS.**

1. A minor under the age of eighteen (18) shall not be in violation of this chapter if, at the time the minor was stopped by a police officer, the minor was:
  - a. 14 years or older and emancipated by marriage;
  - b. Accompanied by the minor's parent, guardian or other adult person having the care, custody or supervision of said minor;
  - c. In a motor vehicle involved in interstate travel;
  - d. On an errand at the direction of the minor's parent or guardian, without detour or stop;
  - e. Acting in response to an emergency;
  - f. On a sidewalk abutting the minor's residence or abutting the residence which is immediately adjacent to the minor's residence;
  - g. Engaged in a lawful employment activity or going to or returning home from such an employment activity without any detour or stop; or
  - h. Returning home from, going to or being in attendance at any religious or school function, organized dance, theater, sporting event or other such associational activity; provided, however, that going to or from such activity shall be by a direct route and within a reasonable time of the commencement or termination of such event.

**CHAPTER 4 ENFORCEMENT PROCEDURE.**

1. Before taking any enforcement action under Chapter 5, Violations, a police officer shall ask the apparent offender's age and reason for being in the public place.
2. The officer shall not take enforcement action Chapter 5 Violations, unless the officer has probable cause to believe that no exemption under Chapter 3, Exemptions.

**CHAPTER 5 VIOLATIONS.**

1. A violation of this Ordinance shall be punishable as a Class B Misdemeanor.

**SECTION 2:** This Ordinance shall take effect immediately upon passage and posting as required by law.

**PASSED and ADOPTED this \_\_\_\_\_ day of July 2009.**

**MAYOR:**  
*/s/*

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**CRAIG KENDELL**

**ATTEST:**

*/s/*

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**Darinda Wardell, Clerk/Recorder**