

## CHAPTER 8.52 CURFEW FOR MINORS

### 8.52.010 Definitions. The following definitions shall apply in Chapter 8.52:

- (1) *"Curfew Hours"*  
means 12:01 a.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, Friday or Saturday, until 6:00 a.m. of the same day.
- (2) *"Emergency"*  
means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The terms include, but are 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.
- (3) *"Establishment"*  
means any privately-owned place of business operated for a profit to which the public is invited including but not limited to any place of amusement or entertainment.
- (4) *"Guardian"* means:
- a person who, under court order, is the guardian of the person or a minor; or
  - a public or private agency with whom a minor has been placed by a court.
- (5) *"Minor"*  
means any person under 18 years of age except as specifically set out in this Code in nonintoxicating and/or intoxicating beverages.
- (6) *"Operator"*  
means any individual, firm, association, partnership, or corporation operating, managing, conducting any establishment. The term includes the members or partners of an association, partnership and the officers of a corporation.
- (7) *"Parent"* means a person who is:
- a natural parent, adoptive parent, or step-parent of another person; or
  - at least 18 years of age and authorized by a parent or guardian to have the care custody of a minor.
- (8) *"Public Place"*  
means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- (9) *"Remain" or "to Remain"* means to:
- linger or stay; or
  - fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- (10) *"Serious Bodily Injury"* means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(Ord. 2190, § 8, March 15, 1995).

### 8.52.020 Curfew Offenses.

- (1) A minor commits an offense if he remains in any public place or on the premises of an establishment within the City during curfew hours.
- (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
- (3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(Ord. 2190, § 8, March 15, 1995).

### **8.52.030 Curfew Defenses.**

- (1) It is a defense to prosecution under Section 8.52.020 that the minor was:
  - (a) accompanied by the minor's parent or guardian;
  - (b) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
  - (c) in a motor vehicle involved in interstate travel;
  - (d) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
  - (e) involved in an emergency;
  - (f) on the sidewalk abutting the minor's residence or abutting the residence of a next-neighbor if the neighbor did not complain to the police department about the minor's presence;
  - (g) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Edmond, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Edmond, a civic organization, or another similar entity that takes responsibility for the minor;
  - (h) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
  - (i) married or had been married or had disabilities of minority removed in accordance with state law.
- (2) It is a defense to prosecution under Section 8.52.020(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

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### **8.52.040 Curfew Enforcement.**

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- (2) Absent an interlocal agreement with the District Court for the Municipal Court to exercise jurisdiction over minors under 18 years of age under provisions of this chapter, pursuant to Title

10 O.S. § 1102(E), as amended by H.B. 2640 of the 1994 Regular Session of the Oklahoma Legislature, the Municipal Court must refer all alleged juvenile violations to the Juvenile Bureau of the District Attorney's Office.

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(2) The Municipal Court's jurisdiction over a minor who violates the provisions of this chapter shall be expressly subject to Title 10 of the Oklahoma Statutes, as amended by H.B. 2640 of the 1994 Regular Session of the Oklahoma Legislature.

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- (a) linger or stay; or
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- (9) *"Remain" or "to Remain"* means to:
  - (a) linger or stay; or
  - (b) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- (10) *"Serious Bodily Injury"* means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(Ord. 2190, § 8, March 15, 1995).

### 8.52.020 Curfew Offenses.

- (1) A minor commits an offense if he remains in any public place or on the premises of an establishment within the City during curfew hours.
- (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
- (3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(Ord. 2190, § 8, March 15, 1995).

### **8.52.030 Curfew Defenses.**

- (1) It is a defense to prosecution under Section 8.52.020 that the minor was:
  - (a) accompanied by the minor's parent or guardian;
  - (b) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
  - (c) in a motor vehicle involved in interstate travel;
  - (d) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
  - (e) involved in an emergency;
  - (f) on the sidewalk abutting the minor's residence or abutting the residence of a next-neighbor if the neighbor did not complain to the police department about the minor's presence;
  - (g) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Edmond, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Edmond, a civic organization, or another similar entity that takes responsibility for the minor;
  - (h) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
  - (i) married or had been married or had disabilities of minority removed in accordance with state law.
- (2) It is a defense to prosecution under Section 8.52.020(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(Ord. 2190, § 8, March 15, 1995).

### **8.52.040 Curfew Enforcement.**

- (1) Before taking any enforcement action under this chapter, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense under Section 8.52.030 is present.
- (2) Absent an interlocal agreement with the District Court for the Municipal Court to exercise jurisdiction over minors under 18 years of age under provisions of this chapter, pursuant to Title

10 O.S. § 1102(E), as amended by H.B. 2640 of the 1994 Regular Session of the Oklahoma Legislature, the Municipal Court must refer all alleged juvenile violations to the Juvenile Bureau of the District Attorney's Office.

(Ord. 2190, § 8, March 15, 1995).

#### **8.52.050 Penalties.**

(1) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punished for a Class B offense as set forth in Section 2.56.210.

(2) The Municipal Court's jurisdiction over a minor who violates the provisions of this chapter shall be expressly subject to Title 10 of the Oklahoma Statutes, as amended by H.B. 2640 of the 1994 Regular Session of the Oklahoma Legislature.

(Ord. 2513, § 44, Oct. 11, 1999).