

**ORDINANCE NO. 722**

**AN ORDINANCE AMENDING CHAPTER 9.40 OF THE TROUTDALE MUNICIPAL CODE TO REGULATE DAYTIME CURFEW**

The Troutdale City Council finds:

1. There has been an increase in truancy, juvenile crime, victimization and gang activity in Troutdale involving persons under the age of 18 during school hours.

2. The State of Oregon compulsory school attendance law has no immediate sanction for juvenile violators and truancy is not effectively controlled by existing laws and ordinances.

3. The City of Troutdale has a compelling interest in providing for the enforcement of school attendance, for the protection of juveniles from gang activity and crime, for the protection of the general public from criminal activities during regular school hours and for the reduction of juvenile criminal activities during regular school hours.

4. A daytime curfew is the least intrusive method for the City to further its compelling interests.

5. This Ordinance is being adopted at one meeting in accordance with Section 30 of the Troutdale Charter. This Ordinance needs to be adopted at one meeting because a daytime curfew needs to be adopted before school starts in September, 2002. The Council only has one meeting in August, 2002, at which the Council can consider adopting this Ordinance. Adopting this Ordinance at one meeting will enable the City to achieve the compelling interests associated with the daytime curfew. All the Council members present at the meeting received this ordinance more than twenty four hours before the meeting.

Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:**

**Section 1**

Troutdale Municipal Code Chapter 9.40, Curfew of Minors, is hereby amended to read as follows:

**Chapter 9.40**

**CURFEW**

**Sections:**

**9.40.010 Definitions.**

- 9.40.020** Curfew for persons under eighteen years of age – exceptions.
- 9.40.030** Responsibility of parent or guardian.
- 9.40.040** Police custody.
- 9.40.050** Citation in lieu of custody.
- 9.40.060** Multiple violations.
- 9.40.070** Penalties.

**9.40.010 Definitions.**

As used in this Chapter, the following words have the following meanings:

“EMANCIPATED” means the conferral of certain rights of majority upon a minor, pursuant to ORS 419B.550 to 419B.558.

“MINOR” means a person under the age of 18.

“PARENT” means the legal guardian or custodian, natural parent or adoptive parent.

“SCHOOL HOURS” means the regular hours for the full-time school where the minor would attend, in the school district in which the minor resides, on any day when school is in session.

**9.40.020 Curfew for persons under eighteen years of age-exceptions.**

A. Nighttime curfew: No minor shall be in or upon any street, highway, park, alley or other public place between the hours of eleven p.m. and six a.m. of the following morning, unless such minor is:

1. Accompanied by a parent or other person eighteen years of age or older that is authorized by the parent or by law to have care and custody of the minor;
2. Engaged in a lawful pursuit or activity which requires the minor’s presence in such public place during the hours specified in this section and is authorized by the parent; or
3. Emancipated.

B. Daytime curfew: No minor between seven and eighteen years of age who has not completed the twelfth grade may be upon any street, highway, park, alley, other place open to the public during school hours except while attending school as required by ORS 339.010 to 339.065, unless such minor is:

1. Accompanied by a parent or other person eighteen years of age or older that is authorized by the parent or by law to have care and custody of the minor; or
2. Engaged in a lawful pursuit or activity that requires the minor’s presence in such public place during school hours and is authorized by the parent; or
3. Traveling directly between school and home or to another location designated by a parent after being authorized and approved to be away from school as provided in ORS 339.065, but is not suspended or expelled; or
4. Emancipated or exempt from compulsory school attendance pursuant to ORS 339.030.

**9.40.030 Responsibility of parent or guardian.**

A. No parent or person over eighteen years of age having the care or custody of any minor shall allow such minor to be in or upon any street, highway, alley, park or other public place between the hours specified in subsection 9.40.020 (A) of this chapter, except as otherwise provided in that subsection.

B. No parent or person over eighteen years of age having the care or custody of a minor between the ages of seven and 18 who has not completed the twelfth grade shall allow such minor to be in or upon any street, highway, alley, park or other public place during school hours except as otherwise provide in subsection 9.40.020(B) of this chapter.

**9.40.040 Police custody.**

A. Any police officer is authorized to take a minor that has violated section 9.40.020 into custody. The officer may take the minor in custody to the police station or another location as designated by the Chief of Police. An officer who takes the minor to the police station or another designated location shall use due diligence to find a parent and shall release the minor to a parent at the police station or other designated location.

B. In lieu of holding a minor between the ages of seven and eighteen that has violated subsection 9.40.020(B) in custody until the minor is released to a parent, any police officer is authorized to release such minor to the principal or other designated school official at the school where the minor is enrolled.

**9.40.050 Citation in lieu of custody.**

Any police officer may issue a citation to a minor that violates section 9.40.020, in lieu of taking the minor into custody. The citation shall be returnable to the Juvenile Court of Multnomah County.

**9.40.060 Multiple violations.**

Any minor that violates section 9.40.020 more than once, shall be taken into custody and taken home by the police officer, whom shall serve the parent with a subpoena to appear before the Juvenile Court of Multnomah County with the minor to show cause why the minor violated section 9.40.020 more than once.

**9.40.070 Penalties.**

Violations of Sections 9.40.020 and 9.40.030 of this chapter are punishable by a fine up to but not to exceed six hundred dollars.

**Section 2**

In accordance with Section 30 B. of the Troutdale Charter, this Ordinance is hereby adopted at one meeting. This Ordinance shall take effect on the thirtieth date after its adoption.

<b>YEAS:</b>	<u>7</u>
<b>NAYS:</b>	<u>0</u>
<b>ABSTAINED:</b>	<u>0</u>

  
Paul Thalhofer, Mayor

**Dated:** 8/29/02

  
Debbie Stickney, City Recorder

**Adopted:** August 27, 2002