

City of Sherwood, Oregon

Ordinance No. 95-1002

**AN ORDINANCE ESTABLISHING AND DEFINING CURFEW, ESTABLISHING
PENALTIES FOR VIOLATIONS OF THE CURFEW, AND ESTABLISHING AN
EFFECTIVE DATE.**

WHEREAS, the City adopted Ordinance No. 641, Article VIII, Section 12, Curfew on January 23, 1974; and,

WHEREAS, Sherwood citizens have expressed a desire for there to be an updated curfew ordinance; and,

WHEREAS, State Law allows all cities to enact curfew ordinances to meet local needs.

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Repealer. Section 12, Article VIII of Ordinance No. 641, enacted by the City Council of Sherwood, on January 23, 1974 is here by repealed in its entirety.

Section 2. Reason. This Ordinance is enacted to amend outdated Ordinance No. 641, by revising Article VIII, Section 12.

Section 3. Sections. The following provisions are hereby adopted by the City of Sherwood.

SECTIONS:

Section 2	Reason
Section 3	Sections
Section 4	Short Title
Section 5	Definitions
Section 6	Prohibition of Certain Minors Being in Public Places During Certain Times
Section 7	Hours of Curfew
Section 8	Prohibition of Parents from Allowing Minors to be in Public Places During Curfew Hours
Section 9	Custody of Minors Violating Curfew
Section 10	Affirmative Defenses
Section 11	Penalty
Section 12	Effective Date

Section 4. Short Title. Sections 3 through 11 shall be known and may be cited as the "Curfew Ordinance" and may be referred to herein as "this Ordinance".

Section 5. Definitions. As used in this Ordinance, unless the context requires otherwise:

- A. "Minor" means a person who is under 18 years of age.
- B. "Parent" means the natural or adoptive father or mother of a dependent child or the stepfather or stepmother of a dependent child, when such stepparent has a legal obligation to support the child.
- C. "Public Place" means any public roadway or any premises open to the general public, whether the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises.

Section 6. Prohibition of Certain Minors Being in Public Places During Certain Times. No minor shall be in a public place during the hours of curfew specified in Section 7 of this Ordinance, unless accompanied or visually supervised by a parent or a person 18 years of age or over who is authorized to have care and custody of the minor either by law or by a parent of the minor, provided, however that no minor shall be prohibited from being in a public place while engaged in traveling to or from a place of employment or an educational, religious or similar activity.

Section 7. Hours of Curfew.

- A. As to minors under 14 years of age:
 - 1. During the months of September through May, the hours of curfew shall be between 9:15 p.m. and 6:00 a.m. the following morning, except that on any day immediately preceding a day for which no public school is scheduled in the City, the curfew shall be between 10:15 p.m. and 6:00 a.m. the following morning.
 - 2. During the months of June through August, the hours of curfew shall be between 10:15 p.m. and 6:00 a.m. the following morning.
- B. As to minors 14 years of age or older:
 - 1. During the months of September through May, the hours of curfew shall be between 10:15 p.m. and 6:00 a.m. the following morning, except that on any day immediately preceding a day for which no public school is scheduled in the City, the curfew shall be between 11:59 p.m. and 6:00 a.m. the following morning.
 - 2. During the months of June through August, the hours of curfew shall be between 11:59 p.m. and 6:00 a.m. the following morning.

Section 8. Prohibition of Parents from Allowing Minors to be in Public Places During Curfew Hours. No parent of a minor shall allow or fail to prohibit such minor to be in a public place in violation of Section 6.

Section 9. Custody of Minors Violating Curfew. Any minor who violates any provision of this Ordinance may be taken into temporary custody as provided by ORS 419-760 and may be subjected to further proceeding as provided therein.

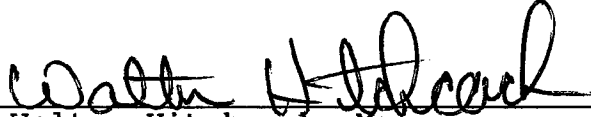
Section 10. Affirmative Defenses. The following are affirmative defenses to the offenses described in Section 6 and Section 8, to be proved by the defendant by a preponderance of the evidence:

- A. That a minor was accompanied by a parent or by a person 18 years of age or over who was authorized to have care and custody of minor either by law or by a parent of the minor; or
- B. That the minor was engaged in traveling to or from a place of employment or an educational, religious or similar activity.

Section 11. Penalty. Violation of Section 8 of this Ordinance is a Class C misdemeanor.

Section 12. Effective Date. This Ordinance shall become effective within thirty (30) days after passage and approval.

Duly passed by the City Council this 8th day of August 1995.


Walter Hitchcock, Mayor

Attest:


Larry Cole, City Manager/City Recorder

	<u>AYE</u>	<u>NAY</u>
Aamold	<u>X</u>	
Boyle	<u> </u>	ABSENT
Cottle	<u> </u>	ABSENT
Hitchcock	<u>X</u>	
Kennedy	<u>X</u>	