

ORDINANCE NO. 2009-5

**AN ORDINANCE DEFINING CURFEW HOURS FOR MINORS
WITHIN THE INCORPORATED LIMITS OF THE
CITY OF MAYWOOD PARK**

PURPOSE.

The purpose of this Ordinance is to establish a curfew for underage individuals within the City of Maywood Park.

SECTIONS.

1. Unlawful Activity.
2. Hours Specified.
3. Exemption – Burden of Proof.
4. Responsibility of Guardian.
5. Violation – Procedure.
6. Violation – Penalty.

Section 1. Unlawful Activity.

It shall be unlawful for any minor under the age of 18 years to be, or remain, in or upon any street, highway, park, or other public place within the corporate limits of the City of Maywood Park between the hours hereafter specified, unless such minor child is accompanied by a parent or guardian at least 21 years of age.

Section 2. Hours Specified.

The specified hours for the purpose of this Ordinance shall be as follows:

- A. For minor children under the age of 14 years who have not begun the 9th grade, the specified hours shall be between 9:15 p.m. and 6:00 a.m. of the following morning, except that during the summer months when school is not in session, the hours shall be between 10:15 p.m. and 6:00 a.m. of the following morning;
- B. For minor children 14 years of age or over or who have begun the 9th grade, the specified hours shall be between 10:15 p.m. and 6:00 a.m. of the following morning on Sunday, Monday, Tuesday, Wednesday and Thursday; the specified hours on Friday and Saturday shall be between 12:00 midnight and 6:00 a.m. of the following morning, except that during the summer months when school is not in session, the hours for all days of the week shall be between 12:00 midnight and 6:00 a.m. of the following morning.

Section 3. Exemption – Burden of Proof.

When a minor child under the age of 18 years must of necessity by virtue of employment, night school, school activity, or other lawful pursuit be in or upon any street, highway, park, or other public place within the corporate limits of the City of Maywood Park without the supervision of a parent or guardian at least 21 years of age between the above specified hours, the burden of proof thereof shall be upon the minor child or person claiming the exempt status of being engaged in a lawful pursuit.

Section 4. Responsibility of Guardian.

It shall be unlawful for any parent, guardian, or person having the care and custody of a minor child under the age of 18 years to allow such minor child to be in or upon any street, highway, park, or other public place during the hours specified above in Section 2(A) or 2(B), as applicable, except as otherwise provided herein. The conviction of a minor child for violation of this Ordinance on three separate occasions shall be prima facie evidence that said parent, guardian, or person having the care and custody of said minor has allowed or permitted said minor child to violate this Ordinance.

Section 5. Violation – Procedure.

Any peace officer of the City of Maywood Park or any other law enforcement officer may arrest any minor child under the age of 18 years for a violation of any applicable provision of this Ordinance and said officer may:

- A. On any first violation of this Ordinance take or send the offending minor child to his or her residence and notify the parent, guardian, or person having the care and custody of the minor of said violation; or
- B. If the arresting officer has reasonable grounds to believe that the parents of the minor are failing to exercise proper control, care, or custody of the minor, to take the minor directly before the court having juvenile jurisdiction in the area where the arrest was made.
- C. On any second or subsequent violation of any applicable provision of this Ordinance, the offending minor shall be taken directly before the court having juvenile jurisdiction in the area in which said offense occurred for disposition in accordance with the provisions hereof.

Section 6. Violation – Penalty.

Any person, including any minor child, who shall violate any provision of this Ordinance, may be, upon conviction thereof in the Municipal Court of the City of Maywood Park, Oregon, or in the Circuit Court for Multnomah County, Oregon, punished by a fine of not more than \$600.00, or by imprisonment in the City or County jail for not more than five days, or by both such fine and imprisonment; provided, further, that in such cases where a sentence of confinement shall be ordered against a minor under the age of 18 years, in such case said minor shall be confined only in detention facilities provided for juveniles.

The City Council hereby declares an emergency, declaring that this Ordinance is immediately necessary to secure the continued general public health and general welfare of the citizens of the City of Maywood Park, and that this Ordinance is immediately necessary to conserve, stabilize, and protect property within the incorporated area of the City of Maywood Park. The Ordinance shall take effect and be in force immediately.

PASSED AND APPROVED by the City Council of the City of Maywood Park on the 7th day of July, 2009.

/s/ Mark Hardie
MARK HARDIE, Mayor

ATTEST:

/s/ Julie D. Risley
JULIE D. RISLEY, City Recorder/Treasurer