

ORDINANCE NO. 590
CITY OF DAYTON, OREGON

Title: AN ORDINANCE AMENDING SECTION 2.5 OF THE DAYTON MUNICIPAL CODE (CURFEW) AND IMPOSING A DAYTIME CURFEW.

WHEREAS, the City of Dayton finds it desirable to modify and add sections 2.5.3 through 2.5.8 of the Dayton Municipal Code; and

WHEREAS, the law enforcement personnel who provide service to the City of Dayton have requested adoption of a minors' daytime curfew.

THEREFORE, THE CITY OF DAYTON ORDAINS AS FOLLOWS:

2.5 Curfew.

- 2.5.1 Curfew Imposed .** No minor under 18 years of age shall be on a street, highway, park, alley or other public place between the hours specified unless:
- (a) The minor is accompanied by a parent, guardian or other person 21 years of age or over and authorized by the parent or by law to have custody of the minor; or
 - (b) The minor is traveling to or from a place of employment, or is responding to an emergency, or is acting under direction of a parent or guardian; or
 - (c) The minor is emancipated under ORS 109.550 to 109.565.
- 2.5.2 Curfew Hours.** The hours between 11:00 p.m. and 5:00 a.m. are the hours of juvenile curfew.
- 2.5.3 Daytime Curfew Imposed.** No minor between the age of seven (7) and eighteen (18) years and who has not completed the twelfth grade shall be in or upon any street, highway, park, alley or other public place during regular school hours, as required by ORS 339.010 to 339.065, unless:
- (a) The minor is accompanied by a parent, guardian, or other person 18 years of age or over who has been authorized by the parent or by law to have care and custody of the minor;
 - (b) The minor is then engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during regular school hours and is authorized by the minor's parent, guardian, or other person having the legal care and custody of such minor;
 - (c) The minor is lawfully emancipated pursuant to ORS 419B.550 to 419B.558;
 - (d) The minor is authorized and approved to be away from the school as

provided in ORS 339.065, but is not suspended or expelled;

- (e) The minor is exempt from compulsory school attendance under ORS 339.030; or
- (f) The minor is exercising First Amendment rights protected by the United States Constitution.
- (g) These exemptions extend to those who are home schooled as that term is defined by Oregon Revised Statutes.

2.5.4 Regular School Hours. For purposes of this section, regular school hours are the hours during which the child is scheduled to be in classes.

- (a) A child being home schooled shall comply with the regular hours and schedule established by the home school.

2.5.5 Parental Responsibility. No parent, guardian, or person having the care and custody of a minor who is under the age of 18 years and who is not otherwise exempted from the provisions of this section, shall allow such minor to be in or upon any street, highway, park, alley, or other public place between the hours specified in this ordinance, except as otherwise provided in this ordinance.

2.5.6 Police Custody. A police officer or any other law enforcement officer is hereby authorized and empowered to take charge of any person under the age of 18 years violating the provisions of section 2.5.1 of this ordinance as provided by ORS 419B.150.

2.5.7 Police Custody-Daytime Curfew. A police officer or any other law enforcement officer who has stopped and detained a minor is to immediately attempt to notify the parent or guardian of the minor, that the minor has been detain by an officer. Upon parental consent the officer may then release the minor to the principal or other designated official at the school at which the minor is enrolled or the officer may hold or make provisions for the minor to be held until the parent or other persons in charge of the minor is able to pick up the minor being detained.

2.5.8 Penalty for Violation. A violation of any provision of section 2.5 of the Dayton Municipal Code is a Class B violation.

Mode of Enactment:

Date of first reading February 2, 2009 In full _____ or by title only X

Date of second reading March 2, 2009 In full _____ or by title only X

_____ A copy of the ordinance was made available, in writing, to the public at least one week before the meeting, and adopted with unanimous approval by the Council.

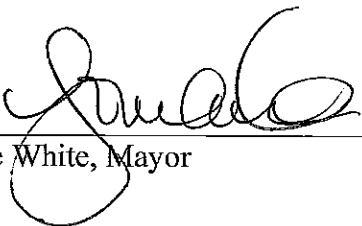
Final Vote:

In Favor: Blackburn, Evers, Henry, White

Opposed: Dickson, Hensley, Wytoski

Absent: None

Abstained: None



Jolie White, Mayor

4/30/09

Date of Signing

Attested by:



Peggy Selberg, City Recorder

May 6, 2009

Date of Enactment