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ORDINANCE NO. 98-66  
9.24.070 CURFEW AND TRUANCY FOR MINORS

**SECTION I. A DECLARATION OF FINDINGS AND POLICY:**

**WHEREAS**, Logan City desires to enhance the safety of the community and of its youth; and,

**WHEREAS**, a significant percentage of crime committed by youth is committed between the hours of 10:30 pm and 5:00 am; and,

**WHEREAS**, youth victimization by adults is more likely to occur after the hour of 10:30 pm; and,

**WHEREAS**, a significant percentage of crime committed during school hours is committed by school age youth who are truant; and,

**WHEREAS**, the Logan Municipal Council finds that enhancing the safety of our community and youth requires the efforts of parents, businesses, schools and the city; and,

**WHEREAS**, legitimate reasons for youth to be in public areas between the hours of 10:30 pm and 5:00 am are few.

**WHEREAS**, legitimate reasons for compulsory school age youth to be in public areas during school hours are few.

**NOW, THEREFORE**, The Logan Municipal Council finds that it is in the best interest of the City of Logan and the citizens thereof to establish a truancy ordinance.

**SECTION II:**

9.24.070 Curfew for minors

**A. Definitions.** In this section:

(1) “Compulsory school age minor” means a person between six and eighteen years of age that is not exempted and must be attending a public or regularly established private school during the school year of the district in which the minor resides pursuant to Utah Compulsory Education Requirements, Utah Code Ann. 53A-11-101 to -106.

(2) “Curfew hours” means:

(a) 10:30 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 5:00 a.m. of the following day; and

(13) "Truancy hours" means those hours in which a compulsory school age youth should be attending school in the district or jurisdiction in which the student attends school.

**B. Offenses:**

- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.
- (2) A compulsory school age minor commits an offense if he remains in any public place or on the premises of any establishment within the city during truancy hours.
- (23) 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; or if he knowingly permits or by insufficient control allows, a compulsory school age minor to remain in any public place or on the premises of any establishment within the city during truancy hours.
- (34) 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; or if he knowingly allows a compulsory school age minor to remain upon the premises of the establishment during truancy hours.

**C. Defenses:**

- (1) It is a defense to prosecution under Subsection (B) that the minor was:
  - (a) accompanied by the minor's parent or guardian;
  - (b) on an errand at the discretion of the minor's parent or guardian, without any detour or stop;
  - (c) in a motor vehicle involved in interstate or intrastate travel with permission of the minor's parent or guardian;
  - (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) following school policy regarding open campus for lunch;
  - (fg) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
  - (gh) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, 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, a civic organization,

(b) 12:01 a.m. until 5:00 a.m. on any Saturday or Sunday.

(23) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(34) "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.

(45) "Guardian" means:

- (a) a person who, under court order, is the guardian of the person of a minor; or
- (b) a public or private agency with whom a minor has been placed by a court.

(56) "Minor" means any person under 18 years of age.

(7) "Open Campus" means when a compulsory school age minor is allowed by school officials to leave school for lunch purposes.

(68) "Operator" means any individual, firm, association, partnership, or corporation operation, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(79) "Parent" means a person who is:

- (a) a natural parent, adoptive parent, or step-parent of another person; or
- (b) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(810) "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 area of schools, hospitals, apartment houses, office buildings, ~~transport facilities~~, public transit buses and property, and shops.

(911) "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.

(1012) "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.

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 Subsection (B)(34) 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.

**D. Enforcement:**

Before taking any enforcement action under this section, 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 in Subsection (c) is present.

**E. Penalties:**

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 punishable by a fine not to exceed \$500.

**SECTION III: EFFECTIVE DATE:**

This ordinance shall take effect August 24, 1998

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS 19<sup>th</sup>  
DAY OF August, 1998

Karen S Borg  
Karen Borg, Chairperson

ATTEST:

Lois Price  
Lois Price, City Recorder

## PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 19th day of August, 1998.

Karen S. Borg  
Karen S. Borg, Chairman

## MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 19th day of August, 1998.

Douglas E. Thompson  
Douglas E. Thompson, Mayor

(Civil)

## PROOF OF PUBLICATION

STATE OF UTAH  
COUNTY OF CACHE, ..

On this 24<sup>th</sup> day of ... August ..... A.D. 1998...

personally appeared before me .... Felicia Tepedino ..... who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement .....

.....LEGAL NOTICE.....

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a copy of which is hereto attached, was published in said newspaper for.... One..(1).. Issue .....

.....commencing .. August .. 24., 1998.. and ending... August .. 24., 1998.....

Signed.....*Felicia Tepedino*.....

Subscribed and sworn to before me, the day and year above written.

Signed ....., *Cynthia K. Fulton*.....  
Notary Public.

My Commission expires September .. 7 .., 1999..



Cynthia K. Fulton  
NOTARY PUBLIC • STATE OF UTAH  
320 WEST 1330 NORTH  
LOGAN, UTAH 84341  
COMMISSION EXPIRES SEPT. 7, 1999

### LEGAL NOTICE

SUMMARIES of ordinances amending the Logan Municipal Code, 1989, are as follows:

#### 1. ORD. 98-66.

An ordinance adopted August 19, 1998 amended Section 9.24.070, Curfew and Truancy for Minors. The Council determined there were legitimate reasons to enforce the curfew ordinance during school hours on "compulsory school age minors," defined as persons between six and eighteen year of age who are not exempted from attending public or private schools.

Truancy hours are defined as those hours in which a compulsory school age youth should be attending school in the district in which he resides in which the student attends school. A compulsory school age minor commits an offense if he remains in any public place or public transportation or property, or on the premises of any establishment within the city during truancy hours. A parent or guardian commits an offense if he knowingly permits or by insufficient control allows, a minor to be truant, as defined by the ordinance, during school hours. For an owner, operator or employee to knowingly allow a compulsory school age minor to remain in a business establishment during truancy hours is also an offense. The ordinance also lists defenses to prosecution.

#### 2. ORD. 98-58.

An ordinance adopted August 19, 1998 amended Title 17 of the Logan Municipal Code repealing Chapters 17.12 Hazard Zones, 17.16 Special Review, 17.08.050(146) and (147), 17.08.060(33), 17.08.065; enacting Combining Zones; Chapter 17.15 Combining Districts Established, Chapter 17.16 Airport Limitation, Chapter 17.17 Aquifer Protection, Chapter 17.18 Historic District, Chapter 17.19 Flood Hazard, Chapter 17.20 Planned Development, Chapter 17.21 Sensitive Lands, Chapter 17.22 Utah State University, Chapter 17.23 No Further Subdivision, Chapter 17.24 Density Limitation; and renumbered Chapter 17.20 Area Regulations to Chapter 17.10.

The ordinances are effective upon publication.

Full texts of these ordinances may be reviewed at the Office of the Logan City Recorder, City Hall, 255 North Main.

Lois Price, Recorder

Publication Date:

August 24, 1998.