

## CHAPTER 46

### MINORS

46.01 Curfew  
46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

**46.01 CURFEW.** A curfew applicable to minors is established and shall be enforced as follows:

1. Definitions. The following terms are defined for use in this section:

A. “Curfew hours” shall mean the following:

(1) From eleven o’clock (11:00) p.m. on any day until six o’clock (6:00) a.m. of the following day.

(2) From seven o’clock (7:00) p.m. on any day until six o’clock (6:00) a.m. in any place of business holder in which the selling beer, wine, and/or alcoholic liquor constitutes more than fifty percent (50%) of the annual gross business transacted therein, unless actually engaged in a trade, occupation or business other than the serving of alcoholic liquor or beer, which requires said person’s presence within or upon said premises and the person is at least 18 years of age.

*(Ord. 18-36 – Feb. 19 Supp.)*

B. “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, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

C. “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.

D. “Guardian” means:

(1) A person who, under court order, is the guardian of the person of a minor; or

(2) A public or private agency with whom a minor has been placed by a court.

E. “Minor” means any person under sixteen (16) years of age.

F. “Operator” means any person operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

G. “Parent” means a person who is:

(1) A natural parent, adoptive parent or step-parent of another person; or

(2) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

H. “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 areas of schools, hospitals, apartment houses, office buildings, transport facilities, shops, alleys, sidewalks, parks, playgrounds and vacant lots.

I. “Remain” means:

(1) To linger or stay; or

(2) To fail to leave the premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

J. “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.

2. Offenses.

A. A minor commits an offense if he or she remains in any public place or on the premises of any establishment within the City during curfew hours.

B. A parent or guardian commits an offense if he or she 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.

C. The owner, operator or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

3. Defenses.

A. It is a defense to prosecution under subsection 3 of this section that the minor was:

(1) Accompanied by the minor’s parent or guardian;

(2) On an errand at the direction of the minor’s parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) 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;

(7) 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 or other similar entity that takes responsibility for the minor;

(8) 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

(9) Married or previously married or if said minor had disabilities of minority removed in accordance with lawful authority of the State.

B. It is a defense to prosecution under subsection 2(C) of this section 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.

4. 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 3 of this section is present.

**46.02 CIGARETTES AND TOBACCO.** It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes. Possession of cigarettes or tobacco products by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the cigarettes or tobacco products as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the Code of Iowa and lawfully offers for sale or sells cigarettes or tobacco products.

*(Code of Iowa, Sec. 453A.2)*

*(Ord. 00-27 – Aug. 00 Supp.)*

**46.03 CONTRIBUTING TO DELINQUENCY.** It is unlawful for any person to encourage any child under eighteen (18) years of age to commit any act of delinquency.

*(Code of Iowa, Sec. 709A.1)*

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