

# ORDINANCE NO. 11-96

## ROLL CALL

VOTING	YES	NO
MAYOR MARIE W. HUFF <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	X	
MATTHEW D. BARBER <i>Councilmember</i>	absent	
THORA L. SHAW <i>Councilmember</i>	X	
CLYDE A. SWENSON <i>Councilmember</i>	X	
REX WOODHOUSE <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Shaw

I SECOND the foregoing motion: Councilmember Swenson

## ORDINANCE 11-96

### AN ORDINANCE AMENDING THE CURFEW REQUIREMENTS OF SPANISH FORK CITY

WHEREAS, the Spanish Fork City Council finds that there has been an increase in the incidents of violence and other crimes among juveniles in the City, being both drug related and gang related; and

WHEREAS, the City Council further finds that such crimes have been significantly inhibited and reduced in other areas and other cities where a juvenile curfew has been enacted and strictly enforced; and

WHEREAS, the cities in Utah County have adopted a uniform curfew policy which has been an aid in the enforcement of the curfew; and

WHEREAS, the existing Spanish Fork City curfew needs to be amended in order to be uniform with the other cities in the County; and

WHEREAS, there are certain exceptions for which minors should not be punished for an apparent violation of curfew; and

WHEREAS, in order to protect the health, safety, and welfare of the residents of the City a uniform juvenile curfew should be imposed;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

#### **SECTION I**

Section 9.20.010 of the Spanish Fork City Municipal Code is hereby repealed.

#### **SECTION II**

Chapter 9.20 of the Spanish Fork City Municipal Code entitled "Curfew" is hereby re-enacted as follows:

##### **9.20.010 Definitions**

A. "Care and Custody" means the legal authority of a parent or guardian to supervise or otherwise be responsible for a minor, or the express authority given from such parent or legal guardian of a minor to a responsible adult to supervise or otherwise be responsible for the activities and care of the minor.

B. "Emergency errand" means any errand or travel undertaken to directly and immediately seek to prevent or reduce the consequences of an illness or injury, criminal or potential criminal activity, or fire or other serious accident and shall include the seeking of aid and assistance from medical or emergency response personnel or for the purchase of medications.

C. "Public Places" means any place open to the public whether privately owned, excluding but not limited to, a parking lots, the interior and exteriors of commercial establishments such as restaurants, stores, or places of entertainment.

#### **9.20.020 Hours Established**

A. It is unlawful for any minor under the age of sixteen years to remain or loiter upon any sidewalk, street, alley, or public place in the City between the hours of 11:00 p.m. and 5:00 a.m. the following morning unless accompanied by an adult having the care and custody of said minor.

B. It is unlawful for any minor sixteen or seventeen years of age to loiter or remain upon any sidewalk, street, alley, or public place in the City between the hours of 11:00 p.m. and 5:00 a.m. the following morning except for Saturday and Sunday mornings when the hours shall be between 1:00 a.m. and 5:00 a.m., unless accompanied by an adult having the care and custody of said minor.

C. Any person who violates any provision of this section is guilty of a Class C Misdemeanor.

#### **9.20.030 Parental Liability**

It shall be unlawful for any parent, guardian, or other person having the care and custody of any minor to knowingly allow or permit the minor to violate the provisions of this chapter.

#### **9.20.040 Enforcement**

A. Any juvenile who is in violation of the provisions of this chapter is subject to arrest and/or citation.

B. Upon arrest, the minor may be returned to the custody of the parent, guardian, or other person in charge of the care and custody of the minor, or may be taken to a youth receiving or

other similar facility for holding.

C. It shall be unlawful for any parent, guardian, or other person charged with the care and custody of the minor, who is violation of this chapter, to refuse to appear and take custody of said minor after being ordered to do so by a peace officer.

D. Any person who violates the provisions of this section is guilty of a Class C Misdemeanor.

#### **9.20.050 Exceptions**

The provisions of this chapter shall not apply to any circumstance in which the minor is:

A. Accompanied by an adult, guardian, or other responsible adult having the care and custody of such minor;

B. Engaged in a legitimate trade, employment, or occupation which requires the minor's presence in or on the sidewalks, streets, alleys, or public places while working at or traveling to or from such employment;

C. Engaged on an emergency errand directed by the minor's parent, guardian, or other responsible person having the care and custody;

D. In a motor vehicle engaged in normal interstate travel in, traveling through, or ending in Spanish Fork City;

E. Attending or engaged in travel between the minor's home or place of residence and the place where any religious, municipal, social, entertainment, sporting, political, library, or school function is occurring;

F. Within the boundaries of the minor's place of residence.

**9.20.060 Severability**

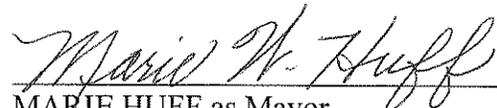
If any section or sub-section of this chapter is held by a court of jurisdiction to be invalid, the remaining portions shall remain in full force and effect.

**SECTION III**

This Ordinance shall become effective 20 days after passage and publication

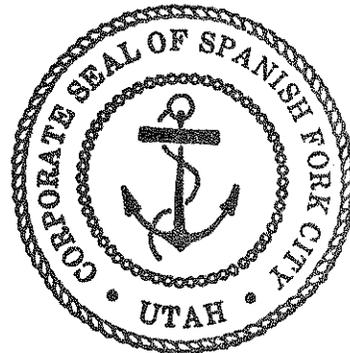
PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY  
COUNCIL OF SPANISH FORK, UTAH, this 20th day of November, 1996.

DATED this 20th day of November 1996.

  
MARIE HUFF as Mayor

ATTEST:

  
KENT CLARK, City Recorder





# Proof of Publication

J. Lane Henderson being first duly sworn according to law, disposes and says that he is the *Publisher* of *THE SPANISH FORK PRESS*, a weekly newspaper, printed and published at Spanish Fork, Utah County, Utah, and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper.

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WHEREAS, the cities in Utah County have adopted a uniform curfew policy which has been an aid in the enforcement of the curfew; and

WHEREAS, the existing Spanish Fork City curfew needs to be amended in order to be uniform with the other cities in the County; and

WHEREAS, there are certain exceptions for which minors should not be punished for an apparent violation of curfew; and

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the Spanish Fork City Municipal Code is hereby repealed.

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B. "Emergency errand" means any errand or travel undertaken to directly and immediately seek to prevent or reduce the consequences of an illness or injury, criminal or potential criminal activity, or fire or other serious accident and shall include the seeking of aid and assistance from medical or emergency response personnel or for the purchase of medications.

C. "Public Places" means any place open to the public whether privately owned, excluding but not limited to, a parking lots, the interior and exteriors of commercial establishments such as restaurants, stores, or places of entertainment.

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any minor to knowingly allow or permit the minor to violate the provisions of this chapter.

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B. Upon arrest, the minor may be returned to the custody of the parent, guardian, or other person in charge of the care and custody of the minor, or may be taken to a youth receiving or other similar facility for holding.

C. It shall be

unlawful for any parent, guardian, or other person charged with the care and custody of the minor, who is violation of this chapter, to refuse to appear and take custody of said minor after being ordered to do so by a peace officer.

D. Any person who violates the provisions of this section is guilty of a Class C Misdemeanor.

#### 9.20.050 Exceptions

The provisions of this chapter shall not apply to any circumstance in which the minor is:

A. Accompanied by an adult, guardian, or other responsible adult having the care and custody of such minor;

B. Engaged in a legitimate trade, employment, or occupation which requires the minor's presence in or on the sidewalks, streets, alleys, or public places while working at or traveling to or from such employment;

C. Engaged on an emergency errand directed by the minor's parent, guardian, or other responsible person having the care and custody;

D. In a motor vehicle engaged in

for One consecutive weeks, the first publication on the 12th day of December 19 96 and the last on the 13th day of December 19 96

normal interstate travel in, traveling through, or ending in Spanish Fork City;

E. Attending or engaged in travel between the minor's home or place of residence and the place where any religious, municipal, social, entertainment, sporting, political, library, or school function is occurring;

F. Within the boundaries of the minor's place of residence.

#### 9.20.060 Severability

If any section or sub-section of this chapter is held by a court of jurisdiction to be invalid, the remaining portions shall remain in full force and effect.

#### SECTION III

This Ordinance shall become effective 20 days after passage and publication

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this 20th day of November, 1996.

Published in the Spanish Fork Press December 12, 1996.

Subscribed and sworn to before me this

19th day of December 19 96  
Sara Worthington  
Notary Public

Residing at Spanish Fork, Utah

My Commission expires

3-14-99

