ORIGINAL

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ORDINANCE NO. 2003-03

AN ORDINANCE OF THE COUNTY OF BUTTE, STATE OF IDAHO, SETTING A CURFEW FOR MINORS; THE ENFORCEMENT OF THIS ORDINANCE AND THE FIXING OF PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BUTTE, STATE OF IDAHO:

Section 1. Purpose: The purpose of this Ordinance is as follows:

A. To protect the residents of Butte County from vandalism, intrusions on their peace or privacy, fighting, and/or any other criminal activities caused by minors who are not supervised by a parent, guardian, or an adult acting with authority; and

B. To protect the health, safety, and general welfare of minors in the County and its residents.

Section 2. Definitions: The following definitions shall be applicable to this Ordinance.

A. "Minor" means any person, male or female, under the age of eighteen (18) years old;

B. "Emancipated" means any minor, male or female, who:

1. Is married or has been married:
2. Is in active military service; or
3. Has a decree of emancipation issued by a court of competent jurisdiciton.

Section 3. Prohibited Acts: It is unlawful for any parent, guardian, or person having actual custody of an unemancipated minor to permit such minor to remain or loiter upon any public thorough fare, or in any public place during the hours of restriction set forth in this Ordinance.

It is also unlawful for any unemancipated minor to remain or loiter upon any public thorough fare, or in any public place during the hours of restriction set forth in this Ordinance.

Section 4. Hours of Restriction: The hours of restricted activity for unemancipated minors shall be as follows:

A. Between the hours of eleven (11) p.m. and six (6) a.m. of the following morning on Sunday, Monday, Tuesday, Wednesday and Thursday; and

B. Between the hours of one (1) a.m. and six (6) a.m. on Saturday and Sunday.

Section 5. Exemptions: The restrictions of this Ordinance shall not apply to any unemancipated minor who is:

A. Accompanied by any parent, guardian, or person having actual custody of the minor; and

B. Actually engaged in legitimate employment or going to and from such employment.

Section 6. Penalties: Any parent who violates the provisions of this Ordinance shall be guilty of a misdemeanor and may be punished by a fine of not more than three hundred dollars ($300.00) , six (6) months in a county jail, or both such fine and jail.

Any unemancipated minor who violates the provisions of this Ordinance may be subject to the procedures and penalties under the Juvenile Corrections Act contained in the Idaho Code.

Section 16. Severability: This Ordinance is hereby declared to be severable. Should any portion of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the Ordinance before the declaration of partial invalidity.

Section 17. Effective Date: This Ordinance shall be effective upon its passage and publication as provided by law.

Enacted by the Board of County Commissioners as an Ordinance of the County of Butte on the 12 day of MAY, 2003.

Chairman
Board of Butte County Commissioners

ATTEST:

County Clerk