

**CITY OF BAXTER, MINNESOTA
ORDINANCE 2025-005**

**AN ORDINANCE AMENDING THE TEXT OF TITLE 5 OF THE BAXTER CITY
CODE**

THE CITY OF BAXTER ORDAINS:

SECTION 1. Amendments. The text of Title 5 (Police Regulations) to amend Chapter 2, Curfew, of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

TITLE 5, POLICE REGULATIONS

SECTION 2

CHAPTER 2 CURFEW

5-2-1: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

CURFEW HOURS: For minors fifteen (15) years of age and under, ten o'clock (10:00) P.M. through five o'clock (5:00) A.M. For minors sixteen (16) and seventeen (17) years of age, commencing at eleven o'clock (11:00) P.M. Sundays through Thursdays until five o'clock (5:00) A.M. the following morning; and one minute after twelve o'clock (12:01) A.M. until five o'clock (5:00) A.M. Saturdays and Sundays.

EMERGENCY: 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.

ESTABLISHMENT: 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.

GUARDIAN: 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.

MINOR: Any person age seventeen (17) and under.

OPERATOR: Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

PARENT: A person who is:

- A. A natural parent, adoptive parent, or stepparent of another person; or
- B. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE: 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, and shops.

REMAIN: 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.

SERIOUS BODILY INJURY: 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. (Ord. 60, 12-20-1994; amd. Ord. 60.1, 5-18-1999)

5-2-2: RESTRICTIONS:

A. Minor: It shall be unlawful for any minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

B. Parent; Guardian: It shall be unlawful for any parent or guardian of a minor to knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours. The term "knowingly" includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in the legal custody of that parent or guardian.

C. Establishment: It shall be unlawful for any owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours. (Ord. 60, 12-20-1994)

5-2-3: EXCEPTIONS:

A. Valid Exceptions: The following shall constitute valid exceptions to the operation of the curfew. 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 another similar entity that takes responsibility for the minor; or

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.

B. Defense To Prosecution: It is a defense to prosecution 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. (Ord. 60, 12-20-1994)

5-2-4: ENFORCEMENT:

Before taking any enforcement action under this chapter, 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 chapter unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense is present. ~~If a citation is issued, parents will be given a report of curfew violation, which they will be asked to read and sign.~~ (Ord. 60, 12-20-1994)

5-2-5: PENALTY:

A. Separate Offense: A person who violates any 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.

~~B. First Violation: A minor, following the first violation of this chapter, is taken home to a parent or guardian and a report of curfew violation is signed by the parent or guardian.~~

~~CB. Second Minor Violation: A second violation by any minor shall be referred for prosecution by appropriate authorities. Any minor who is convicted of a violation of this chapter, after the case has been referred for will be prosecuted in the trial court under pursuant to Minnesota statutes section Ch. 260B260.115. Any adult person having the care and custody of such minor is guilty of a petty misdemeanor and shall be punished by a fine not to exceed two hundred dollars (\$200.00).~~

C. Adult Violation: Any adult person having the care and custody of a minor who knowingly permits or by insufficient control allows the minor to remain in a public place during curfew hours is guilty of a petty misdemeanor and shall be punished by a fine not to exceed two hundred dollars (\$200.00).

D. Establishment Violation: Any owner, operator, or any employee of an establishment knowingly allows a minor to remain upon the premises of the establishment during curfew hours is guilty of a petty misdemeanor and shall be punished by a fine not to exceed two hundred dollars (\$200.00).

D. Additional Violations: Additional violations by any minor shall be considered a petty misdemeanor. Any additional violations by any adult person having care and custody of such a minor, and any owner, operator, or employee of an establishment who knowingly allows a minor to remain upon the premises of the establishment during curfew hours is guilty of a misdemeanor punishable as provided in section 1-4-1 of this code. (Ord. 60, 12-20-1994; amd. 2002 Code)

SECTION 3. Effective Date. This amendment shall take effect upon its passage and publication.

SECTION 4. Summary Publication. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The City Council adopted an ordinance amending the text in Title 5, "Police Regulations" Chapter 2 "Curfew."

Whereupon, said Ordinance is hereby declared adopted on this 6th day of May 2025.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal