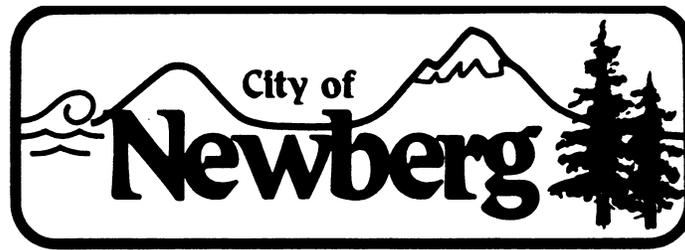


City Manager  
(503) 537-1207

City Attorney  
(503) 537-1206



414 East First St.  
PO Box 970  
Newberg, OR 97132

**CITY OF NEWBERG  
CITY COUNCIL WORK SESSION  
JUNE 21, 2010  
6:00 P.M.  
NEWBERG PUBLIC SAFETY BUILDING  
401 EAST THIRD STREET**

THE CITY COUNCIL OF THE CITY OF NEWBERG WILL HOLD A WORK SESSION TO REVIEW THE COUNCIL AGENDA ITEMS AND TO HEAR REPORTS FROM BOARDS, COMMISSIONS, AND COMMITTEES. NO ACTION WILL BE TAKEN ON THE AGENDA ITEMS.

DISCUSSION ON A DAYTIME CURFEW.

DATED THIS 7TH DAY OF JUNE, 2010.

DANIEL DANICIC  
CITY MANAGER

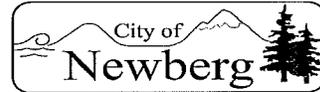
***ACCOMMODATION OF PHYSICAL IMPAIRMENTS:***

*In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical accommodations you may need as far in advance of the meeting soon as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the city recorder, at (503) 537-1283. For TTY service please call (503) 554-7793.*

● City Manager's Office: e-mail: [dan.danicic@newbergoregon.gov](mailto:dan.danicic@newbergoregon.gov) Fax: 537-5013 ●  
Admin: 537-1261 ● Building: 537-1240 ● Public Works: 537-1273 ● Finance: 538-9421 ● Fire: 537-1230  
Library: 538-7323 ● Municipal Court: 537-1203 ● Police: 538-8321 ● Maintenance: 537-1234 ● Utilities: 537-1205  
Municipal Court Fax: 538-5393 ● Public Works Fax: 537-1277 ● Library Fax: 538-9720

**"Working Together For A Better Community-Serious About Service"**

**MEMORANDUM**  
**CITY OF NEWBERG**



---

**To:** Mayor and Council  
**From:** Daniel Danicic, City Manager  
**CC:**  
**Subject:** Newberg School District Daytime Curfew Request  
**Date:** 6/14/10

---

To assist you with the June 21, 2010 work session to discuss the establishment of a daytime curfew, the following information is being provided to you:

- Ordinance 2008-2707 to establish a daytime curfew – Failed to pass (Page 2)
- March 24, 2010 letter from Newberg Public School District (NPSD) from their board to council requesting the enactment of a daytime curfew (Page 6)
- April 13, 2010 email summary by Councilor Marc Shelton between Newberg, Dundee and NPSD officials. (Page 9)
- April 13, 2010 email from Claudia Stewart to Newberg-Dundee Police Department regarding new truancy enforcement policy (Page 10)
- June 14, 2010 email and attached information from NPSD provided research information from other cities and school districts with daytime curfews and NPSD attendance data. (Page 13)
- June 14, 2010 Memo for City Attorney, Terry Mahr, with background information on similar ordinances in other communities (Page 20)

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: 2008, October 20

Order \_\_\_\_ Ordinance XX Resolution \_\_\_\_ Motion \_\_\_\_ Information \_\_\_\_  
No. No.2008-2707 No.

SUBJECT: Daytime Curfew Ordinance.

Contact Person (Preparer) for this  
Ordinance: Brian Casey, Chief of Police

Dept.: Police Department

File No.:  
*(if applicable)*

## RECOMMENDATION:

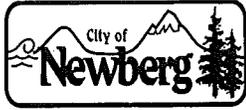
Adopt **Ordinance No. 2008-2707** authorizing the Newberg-Dundee Police Department to enforce a daytime curfew during regular school hours for school age minors who are in a public place without authorization as described in the ordinance.

## BACKGROUND:

1. Routinely, during the school year the police department will encounter minors who are frequenting parks, businesses and other public places when they are supposed to be in school. These minors can be a source for criminal activity, complaints and concern for the community, school district, and police department. This ordinance is only in affect during regular school days and hours.
2. Without a daytime curfew ordinance the police department has no lawful authority to address the issue of minors not attending school and remaining in public. This has been a source of frustration with the police officers because they have no ability to take a minor back to school or return them to a lawful guardian.
3. The Newberg School District is equally concerned with truancy issues and an inability to address the problem. In June 2008, The Chief of Police briefed the Newberg School Board on the proposed daytime curfew ordinance and the Board unanimously endorsed the concept of a daytime curfew.
4. The police department has contacted Wade Witherspoon who represents CS Lewis and Bill Rogers who has been a long-time participant of home schooling in Newberg and both are supportive of a daytime curfew ordinance.

**FISCAL IMPACT:** None

**STRATEGIC ASSESSMENT:** The police department does not anticipate large numbers of minors who are violating the daytime curfew ordinance. Our hope is the ordinance will encourage voluntary compliance, encourage students to stay in school and provide the police department with a tool to address those students who are not attending school and who are a potential concern to community, school district, and police department.



## ORDINANCE No. 2008-2707

---

---

**AN ORDINANCE AUTHORIZING THE NEWBERG-DUNDEE POLICE DEPARTMENT TO ENFORCE A DAYTIME CURFEW DURING REGULAR SCHOOL HOURS FOR SCHOOL AGE MINORS WHO ARE IN A PUBLIC PLACE WITHOUT AUTHORIZATION, PROVIDING PENALTIES AND AMENDING THE NEWBERG CODE.**

---

---

### RECITALS:

1. The concept of a daytime curfew ordinance was proposed by the Newberg-Dundee Police Department and Newberg School District in June 2008. The ordinance was proposed in response to concerns of the Newberg School District and police department regarding minor age students who were not in school during regular school hours and could potentially be involved in illegal behavior. A daytime curfew ordinance will authorize law enforcement to place those minors in violation of the ordinance into protective custody and return them to their school or legal guardian.
2. In June 2008, the Newberg School Board endorsed the proposed ordinance in substantially the form in which it appears before the City Council.
3. On August 4, 2008, the City Council held a work session on this ordinance.

### THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

#### Section 1: Daytime Curfew

The Code of Newberg is hereby amended to read as follows:

#### **§ 133.05 DAYTIME CURFEW.**

(A) *Prohibition.* No minor between the ages of 7 and 18 years who has not completed the twelfth grade shall be in or upon any street, highway, park, alley, or other public place during regular school hours, as required by ORS 339.010 to 339.065, unless:

- (1) The minor is accompanied by a parent, guardian, or other person 18 years of age or over who has been authorized by the parent or by law to have care and custody of the minor;
- (2) The minor is then engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during regular school hours and is authorized by the minor's parent, guardian, or other person having the legal care and custody of such minor;

- (3) The minor is lawfully emancipated pursuant to ORS 419B.550 to 419B.558;
- (4) The minor is authorized and approved to be away from the school as provided in ORS 339.065, but is not suspended or expelled;
- (5) The minor is exempt from compulsory school attendance under ORS 339.030, student is attending private school or home school, or
- (6) The minor is exercising First Amendment rights protected by the United States Constitution.

(B) *Hours of daytime curfew.* For purposes of this section, regular school hours are the hours during which the child is scheduled to be in classes or on campus.

(C) *Prohibition for parent or guardian.* No parent, guardian, or person having the care and custody of a minor who is under the age of 18 years and who is not otherwise exempted from the provisions of this section, shall allow such minor to be in or upon any street, highway, park, alley, or other public place between the hours specified in this ordinance, except as otherwise provided in this ordinance.

(D) *Authority of law enforcement.* A police officer or any other law enforcement officer is hereby authorized and empowered to take charge of any person under the age of 18 years violating the provisions of this ordinance. It shall be the duty of an officer taking charge of this minor to immediately attempt to notify the parent or guardian of the minor that the minor has been taken into the charge of the officer. The officer may then release the minor to the principal or other designated official at the school at which the minor is enrolled. In lieu of releasing the minor to the principal or other designated official at the school at which the minor is enrolled, the officer may hold or make provisions for the minor to be held until the officer or other person in charge of the minor is able to release the minor directly to the parent or guardian.

Section 2: Renumbering of Code Section

The amendment of the Newberg Code to provide for the daytime curfew is best made following the section dealing with the present curfew (nighttime); therefore the following code provisions need to be renumbered as follows:

**§133.05 PLACES OF AMUSEMENT is changed to §133.06**

**§133.06 MISREPRESENTATION OF AGE BY MINOR is changed to § 133.07**

**§133.07 FAILING TO SUPERVISE A CHILD is changed to § 133.08**

**§133.99 PENALTY.**

Any minor who violates any provision of this chapter may be fined up to \$100 and/or be taken into custody as provided in ORS 419C.080, 419C.085 and 419.088. The minor may be subjected to further proceedings as provided by law. These penalties are the same as the City of Newberg's nighttime curfew penalties (133.04 Curfew). Therefore, Newberg Code provision §133.99 penalty

(B) is amended to read as follows:

(B) Any minor who violates the provisions of § 133.04 or §133.05 of this chapter may be fined up to \$100 and/or be taken into custody as provided in O.R.S. 419C.080, 419C.085 and 419.088. The minor may be subjected to further proceedings as provided by law.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: November 19, 2008  
**ADOPTED** by the City Council of the City of Newberg, Oregon, this 20<sup>th</sup> day of October, 2008,  
by the following votes: **AYE:**        **NAY:**        **ABSENT:**        **ABSTAIN:**        **VACANT:**

\_\_\_\_\_  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this \_\_\_\_\_ day of October, 2008.

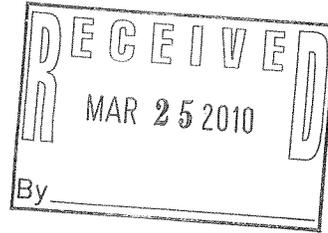
\_\_\_\_\_  
Bob Andrews, Mayor

**LEGISLATIVE HISTORY**

By and through \_\_\_\_\_ Committee at \_\_\_\_ / \_\_\_\_ /200x meeting. Or,  X  None.  
(committee name) (date) (check if applicable)



March 24, 2010



Dan Danicic, City Manager  
City of Newberg  
PO Box 970  
Newberg, OR 97132

Re: *Request for the Newberg City Council to Enact a Daytime Curfew Ordinance*

Dear Dan,

On March 15, 2010 the Newberg School District Board of Directors unanimously adopted Resolution 2010-07, requesting that the Cities of Newberg and Dundee enact a *Daytime Curfew Ordinance*.

The purpose of the ordinance is to curb truancy and crime. School officials cite the following rationale for implementing such a curfew:

*Students who are absent from class are less likely to pass and less likely to graduate.*

*Parents expect their children to attend classes.*

*ORS 339.010 requires students to attend school.*

*A daytime curfew would allow for enforcement action to be taken directly against students who choose to miss class.*

*The police department and the school receive reports of unwanted student activity in the surrounding neighborhood.*

*Some students are reported to being involved in illegal activity at nearby businesses.*

*The school's efforts to curb unwanted activities on campus, effectively pushes these activities off campus or into nearby areas.*

*The Board of Directors desires to hold students accountable for their actions. A Daytime Curfew Ordinance would require students to participate in Peer Court and complete community service or be fined for their failure to attend school.*

Previous to our Board's latest action, on May 19, 2008 our Board of Directors unanimously approved a similar request by the Newberg Police Department. In the fall of 2008 the Newberg

City Council failed to approve the ordinance—citing concerns expressed by parents of homeschool students.

The cities of Beaverton, Eugene, Keizer, McMinnville, Pendleton, Portland, Salem and Springfield have approved and implemented such ordinances. Like Newberg, these municipalities also include both homeschool and private school students.

Our Board of Directors urges the City Council and staff to work with the school district and community stakeholders to discuss how such an ordinance might be enacted.

If requested to do so, the district would assist the City of Newberg in contacting other cities and school districts to determine “what’s working” and “what’s not working” with their current ordinance. We look forward to a collaborative conversation regarding this matter.

Sincerely,



Dr. Paula A. Radich  
Superintendent

Cc: Newberg School District Board of Directors

*Enclosure: Resolution 2010-07*



## RESOLUTION 2010-07

### REQUEST THE CITIES OF NEWBERG AND DUNDEE ENACT A DAYTIME CURFEW ORDINANCE

**WHEREAS**, students who are absent from class are less likely to pass and less likely to graduate; and

**WHEREAS**, parents expect their children to attend classes; and

**WHEREAS**, ORS 339.010 requires students to attend school; and

**WHEREAS**, a daytime curfew would allow for enforcement action to be taken directly against students who choose to miss class; and

**WHEREAS**, the police department and the school receive reports of unwanted student activity in the surrounding neighborhood; and

**WHEREAS**, the school's efforts to curb unwanted activities on campus, effectively pushes these activities off campus or into nearby areas; and

**WHEREAS**, the district desires to hold students accountable for their actions.

**NOW, THEREFORE BE IT RESOLVED** that the Newberg School District Board of Directors fully supports the implementation of a Daytime Curfew Ordinance; and

**BE IT FURTHER RESOLVED** that the Newberg School District Board of Directors urges the Newberg and Dundee City Councils to enact a Daytime Curfew Ordinance to curb truancy in our community.

**Adopted** by the Board of Directors of Newberg School District 29J on this 15<sup>th</sup> day of March 2010.

**ATTEST** by the Board Chair this 15<sup>th</sup> day of March 2010.

  
\_\_\_\_\_  
Melinda Van Bossuyt, Board Chair

## Dan Danicic

---

**From:** Marc Shelton  
**Sent:** Tuesday, April 13, 2010 11:12 AM  
**To:** Dan Danicic; Bob Andrews; radichp@newberg.k12.or.us;  
Rob.Daykin@dundeecity.org; dhawblit@georgefox.edu;  
melinda@springcreekllamas.com  
**Subject:** Next steps from 4/12/10 meeting on daytime curfew

Daytime Curfew Meeting - Newberg City Hall - 4/12/10 - 9:00-10:30 a.m.

Attending: Paula Radich, NSD Supt.; Debbie Hawblitzel & Melinda Van Bossuyt, NSD Board members; Bob Andrews, Newberg Mayor, Marc Shelton, Newberg City Council member; Dan Danicic, Newberg City Manager; Rob Daykin, Dundee City Administrator

Here are the notes from the white board:

June 21, 2010 - Newberg City Council - tentative work session to follow-up to a city ordinance for daytime curfew. (NOTE: This work session would not be based on recommendation/recitals from Ordinance No. 2008-2707, but would the work session would involve information gleaned from the steps listed below)

Goal: What questions do councilors have about a daytime curfew? What information is needed for further consideration? What barriers are preventing enforcement of current truancy statutes and rules? What difference would a daytime curfew make for the Newberg School District?

Steps:

1. Get legal clarification of enforcement of current truancy statutes and rules - City Attorney
2. Get attendance data for grade levels of both overall attendance/absentee rates and data for sporadic/erratic attenders - Newberg School District personnel
3. Determine process for sharing information between the school resource officer and the NPD - SRO
4. Determine benefit/barriers of a daytime curfew from contacts with comparable cities that have a daytime curfew from the school district, police department, and city's perspective - District and City personnel
5. Discuss changes in police procedures, using information from the legal clarification and data collection to either reconsider a daytime curfew or adapt processes to address enforcement of current truancy statutes and rules and district policy - Police Chief, District Personnel, and city councils
6. Consider ways to involve the community in town-hall-type meetings to share information and to hear from citizens regarding a daytime curfew

There may be additional items that were discussed after 10:30 that may need to be added - thank you.

## Dan Danicic

---

**From:** Brian Casey  
**Sent:** Tuesday, April 13, 2010 3:56 PM  
**To:** Dan Danicic  
**Subject:** FW: New school attendance regulations go into effect May 1

FYI

**Brian Casey, Chief of Police**  
Newberg-Dundee Police Department  
503-537-1228

---

**From:** Claudia Stewart [mailto:stewartc@newberg.k12.or.us]  
**Sent:** Tuesday, April 13, 2010 3:52 PM  
**To:** Tim Weaver; Brian Casey; Carl Busse  
**Cc:** Jon Franco  
**Subject:** New school attendance regulations go into effect May 1

Gentlemen-

I'm copying you on the communication we have going to parents about the changes in our compulsory attendance regulations. This is on our website and will be in newsletters and e-mails to parents between April 12 - 23. Principals are mailing letters to likely candidates that may be impacted by this action. Let me know if there is anything else you need.

thanks  
claudia

WEBSITE

## **New attendance regulations in effect May 1**

April 12, 2010 - 1:23pm

New steps to return chronically absent students to the classroom go into effect May 1, 2010. The Newberg School Board approved changes to regulations to enforce compulsory school attendance laws last month.

The changes include a series of clear steps and interventions addressing truancy. If the series of interventions do not work, the school district can ask Newberg-Dundee Police to issue a Class C Citation to parents or guardians for failing to send their students to school. The citation currently carries a \$225 fine.

A student is considered chronically absent if they have more than one full day unexcused absence per week, or eight unexcused half-day absences in any four-week period school is in session. Schools compile a weekly "chronic absentee list" of students who are considered chronically absent.

Read the new Compulsory Attendance regulations

NEWSLETTER

**New attendance regulations in effect May 1**

New steps to return chronically absent students to the classroom go into effect May 1, 2010. The Newberg School Board approved changes to regulations to enforce compulsory school attendance laws last month.

The changes include a series of clear steps and interventions addressing truancy. If the series of interventions do not work, the district can ask Newberg-Dundee Police to issue a Class C Citation to parents or guardians for failing to send their students to school. The citation currently carries a \$225 fine.

A student is considered chronically absent if they have more than one full day unexcused absence per week, or eight unexcused half-day absences, or the equivalent in any four-week period school is in session. Schools compile a weekly "chronic absentee list" of students who are considered chronically absent.

The following interventions will be in place May 1<sup>st</sup>:

**Step 1** A letter of concern is sent and a telephone call placed to parents or guardians of students whose names appear on the school chronic absence list for the second time with minimal or no improvement in attendance.

**Step 2** If the student continues to appear on the chronic absence list with minimal or no improvement in attendance, a second letter is mailed home highlighting the number of days missed.

**Step 3** If there is minimal or no improvement in attendance after a second letter is sent and the student is still chronically absent, the school administrator will meet with the student and parents.

**Step 4** If absences continue, the Student Attendance Review Board will meet with the student and parents to designate an attendance plan the parent and student must follow. Failure to meet with the Student Attendance Review Board will result in an automatic truancy referral to the Newberg-Dundee Police Department.

**Step 5** If the student and parents do not comply with the attendance plan, a Compulsory Attendance Citation may be issued by the Newberg-Dundee Police Department. Parents demonstrating an effort to comply with the attendance plan and recommendations of the Student Attendance Review Board will not be cited.

**Step 6** If a Compulsory Attendance Citation is issued to a parent, the parent will be required to appear in court.

Links:

Search Newberg Public Schools for "Compulsory Attendance" board policies  
<http://policy.osba.org/newberg/index.asp>

#### TRUANCY LETTER TO SELECTED FAMILIES

Date

Parent Name

Address

Address

Dear

(Name of student's) lack of regular attendance at school this year is a concern. This year, (name of student) has missed all or part of (number of days) schools days.

Oregon law (ORS 339.010) requires that children attend school daily. To encourage students to regularly attend school, the Newberg School Board approved a series of steps to return chronically absent students to the classroom. These steps are detailed in the school board policy included with this letter.

If the series of interventions do not work, the district can ask Newberg-Dundee Police to issue a Class C Citation to parents or guardians for failing to send their students to school. The citation currently carries a \$225 fine.

**These new regulations go into effect May 1. Due to (name of student's) lack of regular attendance, you are in jeopardy of being issued a Compulsory Attendance Citation and a fine for failing to send (name of student) to school.**

School attendance is important for (name of student's) academic success. We need your support to help your child attend school on a regular basis. Please contact (name of counselor) at (telephone number) as soon as possible to discuss (name of student's) return to school.

Sincerely

Administrator

Title

Attachment: Newberg School Board Policy JEA-AR Compulsory Attendance

**Dan Danicic**

---

**From:** Anne Wylie [wyliea@newberg.k12.or.us]  
**Sent:** Friday, June 11, 2010 9:49 AM  
**To:** Dan Danicic  
**Cc:** Paula Radich  
**Subject:** Daytime curfew information  
**Attachments:** ADA nocap 6-11-2010.xls; ADA 6-11-2010.xls; Final Newberg City Council.doc

Hello, Dan

Attached you will find the information you requested from Newberg School District.

Anne Wylie  
Newberg School District

-- This message has been checked by ESVA and is believed to be clean.

Sheet1

Enrollment Building	Grade	Days In Session	# students	Days Absent	Days Present	Total Membership	% present
NEWBERG HIGH SCHOOL	10	159	14	104.5	876.5	981.0	89.3 %
	11	159	56	600.0	4344.0	4944.0	87.9 %
	12	159	83	857.0	5251.0	6108.0	86.0 %
<b>Bldg Totals</b>			153	1562	10472	12033.00	87.0 %

Enrollment Building	Grade	Days In Session	# students	Days Absent	Days Present	Total Membership	% present
ANTONIA CRATER ELEMENTARY	KG	159	78	695.5	10858.5	11554.0	93.98%
	01	159	72	590.5	10244.5	10835.0	94.55%
	02	159	84	585.5	11824.5	12410.0	95.28%
	03	159	76	460.0	11004.0	11464.0	95.99%
	04	159	77	489.0	11193.0	11682.0	95.81%
	05	159	83	540.0	11859.0	12399.0	95.64%
Bldg Totals			470	3361	66984	70344.00	95.22%
DUNDEE ELEMENTARY	KG	159	58	589.5	7552.5	8142.0	92.76%
	01	159	73	733.0	9190.0	9923.0	92.61%
	02	159	69	623.5	9786.5	10410.0	94.01%
	03	159	83	731.5	11487.5	12219.0	94.01%
	04	159	76	744.5	10221.5	10966.0	93.21%
	05	159	71	676.0	10149.0	10825.0	93.76%
Bldg Totals			430	4098	58387	62485.00	93.44%
EDWARDS ELEMENTARY	KG	159	66	652.5	8125.5	8778.0	92.57%
	01	159	89	858.5	11011.5	11870.0	92.77%
	02	159	60	502.5	7425.5	7928.0	93.66%
	03	159	68	671.5	8996.5	9668.0	93.05%
	04	159	59	507.0	7811.0	8318.0	93.90%
	05	159	69	625.5	9355.5	9981.0	93.73%
Bldg Totals			411	3818	52726	56543.00	93.25%
EWING YOUNG ELEMENTARY	KG	159	26	184.0	3289.0	3473.0	94.70%
	01	159	28	195.5	4013.5	4209.0	95.36%
	02	159	26	161.0	3722.0	3883.0	95.85%
	03	159	31	208.5	4326.5	4535.0	95.40%
	04	159	35	241.0	5324.0	5565.0	95.67%
	05	159	33	174.0	5015.0	5189.0	96.65%
Bldg Totals			179	1164	25690	26854.00	95.67%
JOAN AUSTIN ELEMENTARY	KG	159	77	792.0	9741.0	10533.0	92.48%
	01	159	64	563.0	9095.0	9658.0	94.17%
	02	159	81	675.0	10505.0	11180.0	93.96%
	03	159	73	599.5	9403.5	10003.0	94.01%
	04	159	83	633.0	11173.0	11806.0	94.64%
	05	159	85	761.0	11585.0	12346.0	93.84%
Bldg Totals			463	4024	61503	65526.00	93.86%
MABEL RUSH ELEMENTARY	KG	159	109	958.5	13738.5	14697.0	93.48%
	01	159	95	937.0	13068.0	14005.0	93.31%
	02	159	128	933.0	17290.0	18223.0	94.88%
	03	159	106	902.5	15154.5	16057.0	94.38%
	04	159	92	758.5	12641.5	13400.0	94.34%
	05	159	109	897.0	15057.0	15954.0	94.38%
Bldg Totals			639	5387	86950	92336.00	94.17%
CHEHALEM VALLEY MS	05	159	1	14.0	136.0	150.0	90.67%
	06	159	226	1901.0	31947.0	33848.0	94.38%
	07	159	228	2224.5	31764.5	33989.0	93.46%
	08	159	242	2241.0	32912.0	35153.0	93.63%
Bldg Totals			697	6381	96760	103140.00	93.81%
MOUNTAIN VIEW MS	06	159	188	1466.5	26022.5	27489.0	94.67%
	07	159	193	1704.0	26985.0	28689.0	94.06%
	08	159	203	1719.0	26595.0	28314.0	93.93%
Bldg Totals			584	4890	79603	84492.00	94.21%
NEWBERG HIGH SCHOOL	09	159	487	3289.5	63362.5	66652.0	95.06%
	10	159	412	2574.0	55030.0	57604.0	95.53%
	11	159	534	4243.5	64510.5	68754.0	93.83%
	12	159	534	4813.5	61350.5	66164.0	92.72%
Bldg Totals			1967	14921	244254	259174.00	94.24%

**Summary of Information regarding Oregon School Districts' procedures with respect to Daytime Curfew**

June 2010

**Pendleton School District:**

Contact: Assistant Superintendent Tricia Baker 541-966-3253

- Daytime Curfew ordinance is just one of many tools district utilizes to improve upon drop out rate and to improve attendance.
- Schools do not track # of students in violation of ordinances
- Schools track truancy of all students

**Pendleton Police Department:**

Contact: Officer Glenn Hanby 541-276-4560 (wk) 541-379-8234 (cell)  
Stuart Roberts, Chief of Police 541-276-4411, ext 101

- 07-08 90 offenders
- 08-09 70 offenders
- 09-10 62 offenders

Benefits:

- 99% reduction in assaults on all citizens ( including private/home school students)
- 63% reduction in criminal mischief
- 3% improvement in school attendance rate
- significant reduction in daytime burglaries

Barriers:

- must work in partnership with school district and local, county courts
- worked in partnership with parents of home and private school students
- parents are more engaged. Some are calling officers asking for help.

Other:

- Police Department worked with local schools and courts to develop wording of the ordinance, progressive fines, and school truancy intervention processes.
- Held 5 public meetings
- First ordinance had a "sunset clause" after one year as well as requirement for collection of supporting data. The City Council removed the sunset clause after first year.
- 85% of offenders were enrolled in Alternative School Programs
- Police Chief talked to all HS Government Classes and explained the governmental processes and goals of the ordinance. He invited youth participation at the City Council meetings.
- Targets groups of students found in high crime areas
- Because there is an high school open campus policy during the lunch times, all students are exempt during the mid-day

### **Salem Keizer School District:**

Contact: Mary Paulson 503-399-3001

- No good way to correlate the benefits of ordinance to schools as it is just one tool to use to improve upon a student attendance
- Police Department tracks # of students in violation of ordinance
- The drop out rate has decreased from 7% to 4%.
- Home school and private school students are issued ID Badges

### **Salem Police Department:**

Contact: Sgt. Doug Carpenter, Salem PD 503-588-6050

- No downside to ordinance
- Ordinance in place since 1997
- Students in violation of ordinance are transported to their home school or to a central school location (Roberts Alternative High School) where school officials work to return them to home school or supervise the students until parents can come and pick them up.
- Officers notify parents via phone call and letter citing them to Marion County Juvenile Court
- Most students in violation are middle and high school students
- Officers stop students who are seen in suspicious activity and locations
- 12-18 students cited in juvenile court 2009-2010

Contact Lt. Dave Okada, Salem PD 503-588-6073

- 2009 139 violations of daytime curfew ordinance
- 2010 159 violations of daytime curfew ordinance
- Keizer does not have daytime curfew ordinance
- Benefit to community in significant reductions in daytime burglary
- Worked with ESD staff who inform parents that students in home schooling should carry proof of enrollment with them
- Able to pick up students from other communities

Benefits: Reduction in daytime burglary crimes

Barriers: Requires multi-agency partnership in development and enforcement of ordinance

### **McMinnville School District**

Contact: Marcie Ingram, Drop Out Specialist McMinnville School District  
Dan Sheppard , Director of Student Services, McMinnville SD

- Daytime curfew just one piece of the district's efforts to improve upon attendance and reduce truancy
- Daytime curfew ordinance applies to all students during school hours
- ESD informs parents of students enrolled in Home School to carry enrollment information/ID Badge
- Public Schools issue passes for students participating in approved community activities/work during school hours
- McMinnville School District worked with multiple agencies, District Attorney and Judges to develop a progressive intervention program for students chronically truant from school
- 2009-2010, Marcie tracked 172 students. 5 received County Court citations, 3 pending
- 2007-2008 30 students were cited to municipal court
- Marcie hasn't seen a case where attendance has not improved dramatically due to interventions and supports to students and families

### **McMinnville Police Department**

Contact: Officer Cummins, McMinnville Police Department

- 1<sup>st</sup> offence- student is brought to home school, officer notifies parents and sends a letter of warning. Schools issue a consequence
- 2<sup>nd</sup> offense - student and parent attend peer court
- 3<sup>rd</sup> offense – student and parent attend Yamhill Count Juvenile Court

#### Benefits:

- Students are less likely to be on the streets during school day
- Reduction in:
  - shoplifting
  - graffiti
  - burglary
  - thefts
- Improved school attendance
- Parents are more accountable and involved

#### Barriers:

- Must have ability to contact schools to access enrollment information
- Multi-agency coordination and communication

Other Districts/ ESD contacted:

Hillsboro School District- No daytime curfew. Schools have truancy intervention plan

Springfield School District – No daytime curfew. Works with Lane ESD and truancy intervention plan

Eugene School District- No daytime curfew. Works with Lane ESD and truancy intervention plan

Lebanon School District – No daytime curfew. Works with Linn-Benton ESD and truancy intervention plan

Molalla High School - No daytime curfew. Works with Clackamas County Court. In a pilot project with 4 other districts to develop Truancy Court

Silverton School District - City of Silverton has a “Parental Responsibility Law”

Lane County ESD

Linn-Benton ESD

# Memorandum

---

**Date:** June 14, 2010

**To:** Mayor Bob Andrews and City Council

**Cc:** Chief Brian Casey, City Manager Dan Danicic

**From:** TERRY MAHR, CITY ATTORNEY

**Re:** Daytime Curfew

The purpose of this memorandum and the attachment is to give the Council background for discussion in work session with representatives of the school board regarding the enactment of a daytime curfew.

Cities and counties may enact their own curfew ordinance as long as they are at least as restrictive as the state law. [State law refers to a "night time curfew" - ORS 419c.680 (3)-(4)]

Almost three quarters of all Oregon communities have a local ordinance relating to curfews and a number also have "daytime curfews". Daytime curfews forbid minors who are subject to compulsory attendance laws to be on public streets during school hours unless they satisfy statutory exceptions.

There is discussion in literature concerning truancy laws and daytime curfews. Truancy laws are used to encourage school attendance and attempt to address the "drop out rate" schools are experiencing. The enactment of a daytime curfew often has a different stated purpose. The articulated purpose of curfew laws are to reduce adolescent law breaking as well as to protect youth from the perils of nighttime streets and to support parents' efforts to control their children. Courts have recognized the enactment of curfew laws as one of the tools that law enforcement officers use to maintain order and to "nip crime in the bud". This discussion comes from the Oregon State Bar publication on juvenile rights. Therefore, truancy laws directly working with the school to encourage attendance differ a bit from curfew laws, which may be more restrictive and while they may have the effect of encouraging attendance at school, the principle legal justification is to curb

**juvenile criminal activity (such as daytime burglaries, criminal mischief, thefts, drug activity, etc.)**

**Exceptions to the daytime curfew are the same exceptions that would allow the juvenile to be exempt from the mandatory attendance rules. By enacting a curfew law, police officers are authorized to detain persons during curfew hours solely for the reason that they appear to be younger than 18.**

**An internet review produced a number of copies of ordinances and code provisions dealing with daytime curfews which are attached:**

- 1) McMinnville- A memo for council action, along with the daytime curfew ordinance and an additional ordinance dealing with parental responsibility. (The school district addressed the affect of the ordinance in their memo.)**
- 2) Beaverton – A truancy ordinance which limits responsibility and gives police authority to stop persons suspected of being in violation during the hours listed in subsection 5.14.13 (“Daytime Curfew”). I would say that Beaverton incorporates a daytime curfew under an ordinance entitled “Truancy”.**
- 3) Gresham- A truancy reduction ordinance which limits the hours when minors can be in public and makes it a Class A violation of the ordinance to disobey. I think the authority to cite is important because it gives the police options beyond just taking the violator to school or home.**
- 4) Pendleton- A daytime curfew code provision designated as a daytime curfew. It does not relate solely to truancy. Violation of the code can result in a citation.**
- 5) Salem- A daytime curfew ordinance authorizing the police to issue citations for violations. I have included a pamphlet which addresses the issue. Notice that the pamphlet mentions that Salem has a daytime curfew, but Keizer has a truancy ordinance (99.409) which prohibits a child from being on any street, highway, park or other public place during school hours. The burden in that case would be on the police officer to contact parent(s), guardian(s) or school officials.**

6) Stayton- A daytime curfew ordinance which gives the police officer authority to cite, and sets out punishment for the violation.

7) Tigard- The city code under the title of truancy indicates children must be in school during school hours but does not specifically call it a daytime curfew.

8) Troutdale - A daytime curfew listed under "Curfew" in the ordinance.

**Note:** I've provided the front page from the League of Oregon Cities' webpage under "Curfews" which gives you access to more curfew ordinances.

I'll be available for any questions you might have concerning this matter.



By:   
**Terry Mahr,**  
Newberg City Attorney

# Memo

To: Mayor and City Council  
Via: Kent Taylor, City Manager  
From: Wayne McFarlin, Chief of Police  
Date: May 5, 2003  
Re: Proposed Daytime Curfew ordinance

---

## BACKGROUND

At the January 23, 2001 Council Meeting a report from the High School Area Community Project was presented to the Council. The report was the product of a group consisting of High School staff, students and parents, residents and businesses located near the High School and City Engineering, Fire and Police Departments. The group met over a three-month period in the fall of 2000 to develop a plan to reduce the chronic traffic, parking and livability problems experienced in the area. One of the recommendations from that report from this citizen-school-police group was enacting a daytime curfew in McMinnville.

In the past two years the Police Department has worked with the School District, the Juvenile Department and the community to cooperatively develop a comprehensive daytime curfew protocol and ordinance proposal. This proposal has been endorsed by the School Board at its April 28<sup>th</sup> meeting and is supported by the Juvenile Department. The Youth Service Team Policy Board, a multi-agency intervention group composed of the School District, Mental Health, Juvenile Department and the Police Department, has also endorsed it.

In addition to meeting with community members in developing daytime curfew protocol, on March 10, 2003 I also met with about 30 home school parents. This group, although empathetic of the problem daytime curfew attempts to address, are opposed to this proposed ordinance that may potentially affect them or their children. Even though this proposal specifically exempts home-schooled children, they still oppose it.

## THE PROBLEM:

State law requires youth between 7 and 18 years old that have not graduated from high school attend school. There is no law in McMinnville that provides an immediate deterrent to a youth that chooses not to attend school. The only available sanction for violation of the State's truancy laws effect the parent and occurs only after repeated acts of truancy.

Over the years there have been chronic complaints received by both the School District and the Police Department where youth that are believed to be truant are committing acts of vandalism, illegally smoking, conducting illegal drug activity or littering during the time schools are in session.

Truancy is a risk factor for juvenile crime, teenage pregnancy, gang recruitment and juvenile victimization.

### THE PROPOSAL:

As part of the agenda packet, I have included a sample ordinance for discussion purposes. This sample ordinance is based on the ordinance adopted by the City of Salem. It is not meant to be considered as a draft at this time.

In short, we propose that the City expand the current nighttime curfew ordinance to require children between the ages of 7 and 18 to be in school when State law requires. We recommend prohibiting youngsters between 7 and 18 years old, who have not graduated from high school, from being in a public place, unless accompanied by a parent or guardian, during school hours. This prohibition would apply to youth attending both public and private schools. Exemptions for home school children, authorized school activities (i.e., work-study programs, modified schedules, etc.) and other legal activities (e.g., doctor appointments) would be written into the final ordinance. The provisions of the ordinance would apply uniquely to each individual set of circumstances. For example, if a particular student does not have scheduled afternoon classes, daytime curfew would not apply to them in the afternoon.

We propose that first time daytime curfew offenders would be returned to school and receive a school level sanction. Chronic offenders would ultimately face sanctions through the Juvenile Department. Parents would always be notified immediately if their child were charged with a daytime curfew violation.

### OTHER CITIES' EXPERIENCE

Although still a relatively new concept with this generation of children and parents, several other cities have enacted a daytime curfew. Those that have implemented a daytime curfew ordinance have experienced a drop in juvenile crime and victimization. For example, two years after the City of Salem implemented its daytime curfew they found:

- The number of juveniles who were victims of daytime persons crimes were down 41%,
- The number of juveniles who were victims of daytime property crimes were down 31%
- The number of daytime thefts were down 28%
- The number of juveniles involved in daytime motor vehicle crashes was down 27% and school attendance increased by a full percent

### ATTACHMENTS

1. Sample ordinance language, showing sample provisions that could be added to McMinnville's current nighttime curfew.
2. The School District's "Daytime Curfew Student Management System". This is a flow chart that will be used as a guide for dealing with students that are returned to school after violating the daytime curfew.
3. The School District's "Benefits of Daytime Curfew". This is an overview presented to the School Board when they considered this proposal.

SECTION 2. The following new section is added to Nighttime curfew ordinance

MINORS DAYTIME CURFEW. (a) No minor between the ages of 7 and 18 years who has n completed the twelfth grade shall be in or upon any street, highway, park, alley or other public place durir regular school hours except while attending school as required by ORS 339.010 to 339.065, unless:

(1) The minor is accompanied by a parent, guardian, or other person 18 years of age or over ar authorized by the parent or by law to have care and custody of the minor;

(2) The minor is then engaged in a lawful pursuit or activity which requires the presence of th minor in such public places during regular school hours and is authorized by the minor's parent, guardia or other person have the legal care and custody of such minor;

(3) The minor is lawfully emancipated pursuant to ORS 419B.550 to 419B.558, or

(4) The minor is authorized and approved to be away from the school as provided in OR 339.065, but is not suspended or expelled.

(b) For purposes of this section, regular school hours are: those hours for the full-time school which the child would attend in the school district in which the chil resides, on any day for which school is in session, unless such day is a scheduled vacation or holid observed by the school.

SECTION 3. is amended to read:

PARENT OR GUARDIAN NOT TO ALLOW CURFEW VIOLATION.

(a) No parent, guardian, or person having the care and custody of a minor under the age of 1 years shall allow such minor to be in or upon any street, highway, park, alley or other public place betwee the hours specified in McMinnville's City ordinance, except as otherwise provided in this section.

(b) No parent, guardian, or person having care and custody of a minor between the ages of and 18 years who has not completed the twelfth grade shall allow such minor to be in or upon any stree highway, park, alley or other public place during regular school hours except as otherwise provided i Section 2 above.

SECTION 4. is amended to read:

ENFORCEMENT. Any police officer or any other law enforcement officer is hereby authorized an

**DRAFT**

empowered to take charge of any person under the age of 18 years violating the provisions of Nighttime and Daytime curfew ordinance and it shall be the duty of any such officer taking charge of any such person to thereafter notify the parent or guardian of such person immediately of such violation and to notify such parent or legal guardian that such person will be held in the custody of the police officer until he or she can come get such minor person. For violations of Daytime curfew, a police officer in lieu of holding the minor person in custody for delivery to a parent or legal guardian may release that person to the principal or other designated official at the school at which the minor is enrolled.

**DRAFT**

## BENEFITS OF DAYTIME CURFEW

- Provides additional opportunities to connect with students and their families-another avenue to build partnerships with parents, families and community
- Delivers message to students and the community "school is important", "hanging out is unacceptable"
- Provides reinforcement/support to parents
- Builds sense of responsibility
- Reduce future occurrence of negative social issues
- Juvenile crime prevention
- Provides opportunity for police to question youth
- Applies to youth in grades 1-12

## Roles of Participants

### **Dropout Prevention Team**

- Screening:
  - evaluates attendance issues
  - prior history of behavior issues
  - assesses academic progress
  - assesses need for alternative placement
  - current outside agency/school involvement:
    - Yale, Upward Bound, Court School, Crossroads, ELL
    - Individual guidance, family or professional counseling involvement
- Sends information letter regarding student citation to parent
- Refers to Admin

## ADMINISTRATION

- Conferences with student/evaluate needs
- Conferences with parents
- Initiates student sanctions
- Referrals to sources within the school
- Referrals to outside agencies
- Implements student contracts
- Communicates with Police/Juvenile
- Referrals to YST

## PARENTS

As applicable for each offense level:

- Assists student in maintaining regular attendance and academic progress
- Supports student in completing sanctions implemented by school/governing body
- Supports student in meeting terms of student contract

## STUDENT

- Maintains regular attendance and academic progress
- Abides by all school rules as defined by school policy
- Fulfills responsibility of attending school

Roles of Participants continued:

**TEACHERS**

- Fulfills responsibility of licensed teacher within the district
- Promotes, encourages and supports academic achievement

**SUPERINTENDENT**

- Supports students, parents and school personnel
- Communicates with families when non-attendance becomes chronic
- Fulfills role as district enforcement officer: communication & district level sanctions

**POLICE**

- Cites and return students to school
- Supports student and families by promoting regular school attendance

**JUVENILE**

- Referrals to Peer Court
- Implements sanctions as needed
- Referrals to YST

.....

**EXAMPLES OF SCHOOL INTERVENTION/SANCTIONS:**

*Note: The focus of school interventions/sanctions is meant to be proactive, supportive and communicative with all parties*

Referral to sources within school setting:

- Care Team
- Career Center
- Counselor
- District Drug & Alcohol Coordinator
- Dropout Prevention Team
- Link Crew
- School Nurse

In-school Suspension

Referral to various county agencies

**OTHER REMARKS:**

- Juvenile will respond according to each student’s probation status
- Upon approval, the Daytime Curfew ordinance will be listed within the City of McMinnville Municipal Ordinance. Students can be stopped within the city limits. Police may use discretion in stopping and citing youth. Ordinance could eventually be expanded to the county level upon approval.
- Daytime Curfew violations based on year to year activity. “Clean slate” at the beginning of each school year.
- Currently evaluating expansion of course offerings for youth starting school in the middle of a trimester.
- Students who are home schooled will require identification (design/process to be determined)

# Daytime Curfew Study Management System

<u>1st OFFENSE</u>	<u>ACTION(S):</u>	<u>OUTCOME(S):</u>
<ul style="list-style-type: none"> <li>• Police or school identify truant youth</li> <li>• Student returns to school</li> <li>• Police cite student</li> <li>• Parents notified</li> <li>• Student meets with Dropout Prevention (DOP) team member                             <ul style="list-style-type: none"> <li>▪ Screening</li> <li>▪ Complete Incident Report</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>→ No Other Circumstances</li> <li>→ Student returns to class</li> <li>→ Letter sent to parent by DOP team</li> <li>→ Copy of Report to Admin &amp; Counselors</li> <li>→ Juvenile receives copy of Police report</li> <li>→ In addition to the above: → Admin/Student/Parent Conference</li> </ul>	<ul style="list-style-type: none"> <li>→ Student accepts responsibility/cycle complete</li> <li>→ Student doesn't accept responsibility/referral to Admin</li> </ul>
<p><u>2nd OFFENSE</u></p> <ul style="list-style-type: none"> <li>• Same as 1st Offense plus:</li> <li>• Parent/Student/Admin Conference</li> </ul>	<ul style="list-style-type: none"> <li>→ Other Circumstances</li> <li>→ Same as 1st Offense plus: → Student receives sanctions by Admin</li> <li>→ In addition to the above: → Referral to Peer Court → Referral to school's CARE team</li> </ul>	<ul style="list-style-type: none"> <li>→ Student completes sanctions</li> <li>→ Student doesn't complete sanctions/referral to Admin</li> </ul>
<p><u>3rd OFFENSE</u></p> <ul style="list-style-type: none"> <li>• Same as 1st &amp; 2nd Offense plus:</li> <li>• Parents cited by police under <i>Parental Responsibility Law</i></li> <li>• Referral to the Juvenile Department</li> </ul>	<ul style="list-style-type: none"> <li>→ No Additional Circumstances</li> <li>→ Same as 1st &amp; 2nd Offense plus: → Student contract</li> <li>→ Student completes sanctions</li> <li>→ Referral to Juvenile → Parent receives sanctions by Superintendent/Police</li> </ul>	<ul style="list-style-type: none"> <li>→ Sanctions completed/cycle finished</li> <li>→ Sanctions not completed/additional action by Admin</li> </ul>

Subsequent Offenses

\* TRN depending on individual circumstances/fees.

ORDINANCE NO. 4787

An Ordinance relating to daytime curfew, providing penalties, and amending McMinnville Municipal Code Chapter 9.40.

RECITALS

The concept of a daytime curfew ordinance was proposed by a committee composed of citizens, school officials, and members of the McMinnville Police Department in 2000. The ordinance was proposed in response to concerns expressed by citizens regarding illegal behavior by young people who were believed to be of school age but who were not in school during regular school hours.

In April 2003, the McMinnville School Board endorsed the proposed ordinance in substantially the form in which it appears before the City Council.

The City Council held a public hearing on this ordinance on June 11, 2003.

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. McMinnville Municipal Code Chapter 9.40 shall be amended by the addition of the following language:

Section 2. **9.40.025 MINORS' DAYTIME CURFEW.**

- A. No minor between the ages of 7 and 18 years who has not completed the twelfth grade shall be in or upon any street, highway, park, alley, or other public place during regular school hours, as required by ORS 339.010 to 339.065, unless:
1. The minor is accompanied by a parent, guardian, or other person 18 years of age or over who has been authorized by the parent or by law to have care and custody of the minor;
  2. The minor is then engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during regular school hours and is authorized by the minor's parent, guardian, or other person having the legal care and custody of such minor;
  3. The minor is lawfully emancipated pursuant to ORS 419B.550 to 419B.558;
  4. The minor is authorized and approved to be away from the school as provided in ORS 339.065, but is not suspended or expelled;
  5. The minor is exempt from compulsory school attendance under ORS 339.030, or
  6. The minor is exercising First Amendment rights protected by the United States Constitution.

- B. For purposes of this section, regular school hours are the hours during which the child is scheduled to be in classes.
- C. No parent, guardian, or person having the care and custody of a minor who is under the age of 18 years and who is not otherwise exempted from the provisions of this section, shall allow such minor to be in or upon any street, highway, park, alley, or other public place between the hours specified in this ordinance, except as otherwise provided in this ordinance.
- D. A police officer or any other law enforcement officer is hereby authorized and empowered to take charge of any person under the age of 18 years violating the provisions of this ordinance. It shall be the duty of an officer taking charge of this minor to immediately attempt to notify the parent or guardian of the minor that the minor has been taken into the charge of the officer. The officer may then release the minor to the principal or other designated official at the school at which the minor is enrolled. In lieu of releasing the minor to the principal or other designated official at the school at which the minor is enrolled, the officer may hold or make provisions for the minor to be held until the officer or other person in charge of the minor is able to release the minor directly to the parent or guardian.
- E. The provisions of McMinnville Municipal Code 9.40.025, as enacted by this ordinance, shall be in full force and effect for a period of one year from the effective date of this ordinance. MMC Section 9.40.025 shall be automatically revoked one year from the effective date of the ordinance, absent action by the City Council to reconsider and reinstate this Section.

First Reading: Read and passed by the Council this 8<sup>th</sup> day of July 2003, by the following votes:

Ayes: Aleman, Hansen, Olson, Windle

Nays: Payne, Springer

Second Reading: Read and passed by the Council this 21<sup>st</sup> day of July 2003, by the following votes:

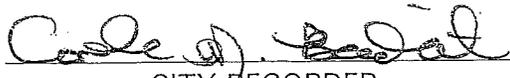
Ayes: Aleman, Hansen, Olson, Windle

Nays: Payne, Springer

Approved this 21<sup>st</sup> day of July 2003.

  
MAYOR

Attest:

  
\_\_\_\_\_  
CITY RECORDER

Approved as to form:

  
\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. 4630

**AN ORDINANCE relating to parental responsibility, creating offenses, providing a remedy for victims, and stating an effective date.**

RECITALS:

The residents of the City of McMinnville are concerned with the proliferation of illegal activity by minors in violation of the laws of the State of Oregon and the municipal code.

Parents of minors should strive to exercise the supervision and care that will avoid the occurrence of juvenile incidents and to enhance the protection of juveniles by the adults responsible for their actions.

NOW, THEREFORE THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. A person commits the offense of failing to supervise a child if the person is a custodial parent, or the parent having physical custody at the time the child commits the act, lawful guardian, or other person lawfully charged by a court of competent jurisdiction with the care or custody of a child under 18 years of age, and the child:

a) Commits an act that could subject the child to the jurisdiction of the juvenile court under ORS. 419C.005 or violates any McMinnville Municipal Code; or

b) Fails to attend school as required under ORS. 339.010, which, in turn, refers to ORS. 339.030 which notes the following exceptions:

(1) Children being taught in a private or parochial school in the courses of study usually taught in grades 1 through 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools.

(2) Children proving to the satisfaction of the district school board that they have acquired equivalent knowledge to that acquired in the courses of study taught in grades 1 through 12 in the public schools.

(3) Children being taught for a period equivalent to that required of children attending public schools by a parent or private teacher in the courses of study usually taught in grades 1 through 12 in the public school.

(4) Children excluded from attendance as provided by law.

(5) A child excluded by rule of the State Board of Education from compulsory education when said child is 16 or 17 years of age and who is lawfully employed full time, lawfully employed part-time and enrolled in school, or enrolled in a community college or other state-registered alternative education program. Such exemption also may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 to 419B.558.

Section 2. Nothing in this section applies to a child-caring agency as defined in ORS. 418.205 or to foster parents.

Section 3. A person shall not be in violation of Section 1 of this ordinance if the person:

- a) Is the victim of the act that brings the child within the jurisdiction of the juvenile or municipal court; or
- b) Reported the act to the appropriate authorities; or
- c) Took reasonable steps to control the conduct of the child that is complained of in Section 1(a) and (b) above.

Section 4. In a prosecution of a person for failing to supervise a child under subsection (1)(a) of this ordinance, the court may order the person to pay restitution under ORS. 137.103 to 137.109 to a victim for pecuniary damages arising from an act of the child as set forth above in Section 1(a) that could bring the person within the jurisdiction of the Court. The amount of restitution ordered under this section may not exceed \$2,500.

Section 5. The first time a person is convicted of an offense described in Section 1 of this ordinance, the person shall not be required to pay a fine exceeding \$100.00 if the person successfully participates and completes a parent effectiveness program as designated by the court.

Section 6. The offense described in this ordinance of Failure to Supervise a Minor is a Class A infraction punishable by a maximum fine of \$1,000.

Section 7. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823 entitled, "Initiative and Referendum" for a period of 30 days.

Passed by the Council this 12<sup>th</sup> day of September 1996 by the following votes:

Ayes: Hughes, Kirchner, Massey, Payne, Windle

Nays: \_\_\_\_\_

Approved this 10<sup>th</sup> day of September 1996.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
RECORDER

# BEAVERTON

ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE ADDING, AMENDING AND REPEALING PROVISIONS CONTAINED IN CHAPTER FIVE OF THE BEAVERTON CODE RELATING TO CURFEW, TRUANCY AND SCHOOL ATTENDANCE

Whereas, the City of Beaverton seeks to protect the safety and welfare of its minors, protect the entire community from crime, including juvenile crime, and promote school attendance as to those juveniles who are required to attend school; and

Whereas, the City is mindful that juveniles may have legitimate reasons why they are not attending school while school is in session; and

Whereas, the City acknowledges the importance of the parental role in rearing children; and

Whereas state and federal law requires the City to tailor its daytime curfew ordinance to meet the City's interest in promoting the health, safety and welfare of the community while not placing excessive burdens on the rights of individuals;

Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

**Section 1.** The Beaverton Code, Chapter Five, is hereby amended by adding the following section to read as follows:

### "TRUANCY

5.14.100 Short Title. BC 5.14.100 to 5.14.150 shall be known and may be cited as the 'Truancy Ordinance' and may be referred to herein as 'this ordinance.'

5.14.105 Purpose. The City Council declares that it is the purpose of this ordinance to:

- A. Promote school attendance by minors who are required to be in school.
- B. Reduce the victimization of minors.
- C. Reduce the commission of crimes.
- D. Assist parents in the control of their children.

5.14.110 Legislative Findings. The City Council finds that:

A. Oregon cities have the legal authority to regulate the conduct of minors in public places, provided the local regulations are constitutional and restrict curfew hours at least to the extent required by ORS 419C.680.

B. With limited exceptions provided in ORS 339.030, all minors between the ages of 7 and 18 years who have not completed the 12th grade are required to regularly attend a full-time school.

C. Unsupervised students absent from school without a valid excuse may involve themselves in unsafe activities in residential neighborhoods, business districts and malls.

D. Unsupervised students absent from school without a valid excuse may engage in criminal activity to the detriment of the community, such as residential burglaries, automobile thefts, bicycle thefts, vandalism, and other visible signs of disorder.

E. Unsupervised students absent from school without a valid excuse are a burden on police who must either return the students to school or wait for parents or custodial persons to pick them up, and who must investigate any and all activity related to the minor's absenteeism.

F. Most juveniles are less able to protect themselves than are most adults;

G. Most juveniles are less able to make critical decisions in an informed and mature manner than are most adults;

H. On account of their physical and mental development, most juveniles are more vulnerable to criminal and other wrongful conduct than most adults;

I. This ordinance promotes and protects the public safety, health and welfare of the community by promoting school attendance and reducing the incidence of, and opportunity for, juvenile criminal activity.

J. This ordinance recognizes and promotes the importance of the parental role in child rearing by establishing parental and guardian obligations and penalties concerning juveniles who are in their care.

5.14.120 Definitions. The following terms have the following meanings:

Attendance Supervisor - the person designated as an attendance supervisor pursuant to ORS 329.040 or, in the absence of such a designation, a school principal.

Emergency - an unforeseen combination of circumstances, or the resulting state thereof, that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation that requires immediate action to prevent serious property damage, bodily injury or loss of life.

Guardian – a person other than a parent who is entitled to legal custody of a minor or who is entitled to act in place of a parent, including a public or private agency such as a school. The term does not mean the guardian of an estate.

Home – any residential-type structure, including an apartment building, duplex or other multi-unit residential housing structure, established, maintained and actually used primarily as a principal residence.

Minor - a person who is under 18 years of age.

Parent – the biological or adoptive mother and the legal or adoptive father of a minor. A legal father includes:

(a) A nonimpotent, nonsterile man who was cohabiting with his wife, who is the mother of the minor, at the time of conception;

(b) A man married to the mother of the minor at the time of birth, when there is no judgment of separation and the presumption of paternity has not been disputed;

(c) A biological father who marries the mother of the minor after the birth of the minor;

(d) A biological father who has established or declared paternity through filiation proceedings or under ORS 416.400 to 416.470; and

(e) A biological father who has, with the mother, established paternity through a voluntary acknowledgment of paternity under ORS 109.070.

Public Place – a place to which the general public has access and includes, but is not limited to, streets, parks, alleys, highways, or sidewalks, the common areas of any mall, shop, hotel, motel, school, office building or apartment complex, and any premises used in connection with public passenger transport, whether or not the premises is publicly or privately owned and whether or not a fee is charged for the use of the premises.

School - a public, private or parochial institution of learning. The term includes a home school or similar institution of learning where children are taught by a parent or private teacher the courses of study usually taught in grades 1 through 12 in the public school for a period equivalent to that required of children attending public schools.

Unemancipated – that certain rights of majority have not been conferred on a minor pursuant to state law.

Peace Officer – a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, investigator of the Criminal Justice Division of the Department of Justice or investigator of a district attorney's office and such other persons as may be designated by law.

Written Direction – a signed, timed and dated document that specifies an activity to be conducted.

5.14.130 Daytime Curfew. No minor age seven years or older who has not completed the 12th grade shall be in or upon any street, park, alley, highway or other public place during the hours when the minor is required to be in attendance at school.

5.14.140 Exceptions. Section BC 5.14.130 of this ordinance does not apply to a minor who is:

- A. Accompanied by a parent or guardian;
- B. Accompanied by a person 18 years of age or over who is authorized by law or by the minor's parent or guardian to have care and custody of the minor;
- C. Accompanied by his or her spouse 18 years of age or older;
- D. On an errand at the written direction of a parent or guardian, without detour or stop;
- E. On an errand at the written direction of a person 18 years of age or over who has legal care or custody of the minor, without detour or stop;
- F. On an errand at the written direction of his or her spouse eighteen years of age or older, without detour or stop;
- G. In or upon a vehicle involved in interstate travel;
- H. Engaged in a lawful employment activity;
- I. Going to or returning home from any lawful employment activity, without detour or stop;
- J. Involved in an emergency;
- K. On the public right-of-way either abutting the minor's home, residence or sleeping place or abutting the next-door neighbor's home, residence or sleeping place if the neighbor does not object to the minor's presence;
- L. In possession of an excuse from school written by a parent, legal guardian or other adult person having the legal care or custody of the minor, or from his or her spouse eighteen years of age or older and covering the time the minor is not attending school;
- M. Permitted to leave campus and has in his or her possession a valid, school-issued, off-campus permit;
- N. Going directly to or returning directly from a public meeting, or place of public entertainment, such as a movie, play, sporting event, dance or school activity, provided such meeting, event or activity is a school-approved activity for the minor or is otherwise supervised by school personnel of the minor's school;
- O. Going directly to or coming directly from a medical appointment;
- P. Not required to attend public full time school because the minor has proved to the satisfaction of the district school board that he or she has

acquired equivalent knowledge to that acquired in the courses of study taught in grades 1 through 12 in the public schools;

Q. Exempt from compulsory school attendance as provided by law;

R. An emancipated minor;

S. Exempt from compulsory school attendance because the State Board of Education has granted a complete or partial exemption from compulsory attendance to the minor or the minor's parent, but if the minor is only partly exempt from compulsory school attendance, then the minor is exempt from BC 5.14.130 only to the extent provided by the partial exemption;

T. Attending an official recreational activity supervised by adults and sponsored by the city of Beaverton, the Beaverton School District, or a not-for-profit private or public educational, religious, charitable, fraternal, political, or civic organization;

U. Without any detour or stop, going to or returning from an official recreational activity supervised by adults and sponsored by the city of Beaverton, the Beaverton School District, or a not-for-profit private or public educational, religious, charitable, fraternal, political, or civic organization;

V. Exercising fundamental rights protected by the United States or Oregon Constitutions such as the free exercise of religion, freedom of speech, freedom of movement and the right of assembly;

W. Married or has been married.

#### 5.14.150 Parent Responsibility; Penalty.

A. A parent, guardian or other person having legal care, custody or control of a minor who violates any provision of this ordinance commits a violation punishable by a fine not to exceed \$360. Any penalty imposed pursuant to this section is in addition to, and not in lieu of, any other civil, criminal or administrative penalty, sanction or remedy otherwise authorized by law.

B. In a prosecution of a person under subsection A of this section, it is an affirmative defense that the person reported the minor's act to the appropriate authorities.

C. If a person pleads guilty or is found guilty of a violation of subsection A of this section and if the person has not previously been convicted of such an offense, the court shall warn the person of the penalty for future convictions and shall suspend imposition of sentence.

D. If a person pleads guilty or is found guilty of a violation of subsection A of this section and if the person has only one prior conviction of such an offense, the court, with the consent of the person, may suspend imposition of sentence and order the person to complete a parent effectiveness program approved by the court. Upon the person's completion of the parent effectiveness program to the satisfaction of the court, the court may discharge the person. If the person fails to complete the parent

effectiveness program to the satisfaction of the court, the court may impose a sentence authorized by this section. There may be only one suspension of sentence under this subsection with respect to a person.

5.14.160 Police Authority.

A. If a peace officer has reasonable suspicion to believe that a minor is in violation of 5.14.130, the officer is authorized to stop and detain the minor and make reasonable inquiry regarding a potential violation of this ordinance.

B. If a peace officer has probable cause to believe that a minor is in violation of this ordinance, the officer is authorized to take the minor into protective custody pursuant to ORS 419B.150.

C. If a peace officer has probable cause to believe that a minor is in violation of this ordinance, the officer shall notify the Attendance Supervisor for the school district or the school the minor most likely is required to attend.

**Section 2.** B.C. 5.14.005 - 5.14.040, relating to curfew, is hereby repealed.

**Section 3.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

First reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

## City of Gresham

### Article 7.40

#### **CURFEW AND TRUANCY REDUCTION Sections:**

##### **7.40.005 Definitions.**

##### **7.40.010 Night Curfew Imposed.**

##### **7.40.015 Truancy Reduction Imposed. 7.40.020 Repealed.**

##### **7.40.030 Parental Responsibility.**

##### **7.40.040 Police Custody.**

##### **7.40.045 Citation in Lieu of Custody.**

##### **7.40.050 Subsequent Violations.**

**7.40.005 Definitions.** As used in GRC Article 7.40, the following mean: Emancipated. Conferral of certain rights of majority upon a minor, as enumerated in ORS 419B.552. Minor. A person under the age of 18 years. Parent. Legal guardian or custodian, natural parent or adoptive parent, if the minor has been legally adopted. (Ord. No. 1432, Enacted, 10/07/1997)

**7.40.010 Night Curfew Imposed.** (1) No minor may be upon any street, highway, park, trail, open space, alley, or other public place between the hours of 11:00 p.m. and 6:00 a.m., unless such minor is: (a) accompanied by a parent or other person 21 years of age or over and authorized by the parent or by law to have custody of the minor; or (b) engaged in a lawful pursuit or activity that requires the minor's presence in such public place; or (c) emancipated. (2) A violation of the night curfew is a Class A violation. (Ord. No. 1625, Amended, 04/20/2006; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1432, Amended, 10/07/1997; Ord. No. 1268, Amended, 12/17/1992)

**7.40.015 Truancy Reduction Imposed.** (1) For purposes of this section, regular school hours are those hours for the full-time school which the child would attend in the school district in which the child resided, on any day for which school is in session, unless such day is a scheduled vacation or holiday observed by the school. (2) No minor between 7 and 18 years of age who has not completed the twelfth grade may be upon any street, highway, park, trail, open space, alley, other public place or place open to the public during regular school hours except while attending school as required by ORS 339.010 to 339.065, unless such minor is: (a) accompanied by a parent, or other person 18 years of age or over and authorized by the parent; or (b) engaged in a lawful pursuit or activity that requires the minor's presence in such public place and is authorized by the parent; or (c) traveling directly from school to home or to another location designated by a parent after being authorized and approved to be away from school as provided in ORS 339.065, but is not suspended or expelled; or (d) emancipated or exempt from compulsory school attendance pursuant to ORS 339.030. (3) A violation of the truancy reduction provisions of this section is a Class A violation. (Ord. No. 1625, Amended, 04/20/2006; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1432, Enacted, 10/07/1997)

## EXCERPT FROM PENDLETON ORDINANCE #3409: Noncriminal City Offenses Code

### **SECTION 23. Curfew.**

A. Definitions. As used in this Section, the following terms have the following meanings:

"Adult" A person eighteen years of age or older or an Emancipated Minor.

"Emancipated: means the conferral of certain rights of majority upon a minor, pursuant to ORS 419B.550 to 419B.558.

"Minor" means a person under the age of eighteen who is not Emancipated.

"Parent" means the legal guardian or custodian, natural parent or adoptive parent of a Minor.

"School Hours" means the regular hours for the full-time school where the Minor would attend, in the school district in which the Minor resides, on any day when school is in session.

B. Nighttime Curfew.

- (1) No Minor under the age of sixteen years shall idle, wander, stroll or play in or upon the public streets, sidewalks, parks, playgrounds, or other unsupervised places between the hours of 10:00 p.m. and 6:00 a.m., the following day from September 1 through May 31, and between 11:00 p.m. and 6:00 a.m. the following day from June 1 through August 31, provided, however, that this subsection shall not apply to a Minor accompanied by the Minor's Parent, or where the Minor is engaged in legitimate business as directed by the Minor's Parent.
- (2) No Minor sixteen years of age or older shall idle, wander, stroll or play in or upon the public streets, sidewalks, parks, playgrounds or other public places between 12:00 midnight and 5:00 a.m. Saturday and Sunday and between 11:00 p.m. and 5:00 a.m. on any other night; provided, however, that this subsection shall not apply to a Minor where the Minor is engaged in legitimate business as directed by the Minor's Parent.
- (3) No Adult having the care and custody of a Minor shall permit such Minor to violate the provisions of paragraphs (1) or (2) of this subsection.

C. Daytime Curfew.

- (1) No Minor seven years of age or older who has not completed the twelfth grade may be on any street, highway, park, alley, other public place during School Hours except while attending school as required by ORS 339.010 to 339.065. Unless such Minor is:
  1. Accompanied by the Minor's Parent or other Adult that is authorized by the Minor's Parent or by the law to have care and custody of the Minor; or
  2. Engaged in a lawful pursuit or activity that allows the Minor's presence in such public place during School Hours and is authorized by the Minor's Parent or the principal or other designated school official at the school where the Minor is enrolled; or
  3. Traveling directly between school and home or to another location designated by the Minor's Parent after being authorized and approved to be away from school as provided in ORs 339.065, but is not suspended or expelled; or
  4. Emancipated or exempt from compulsory school attendance pursuant to ORS 339.030.
- (2) Violations of this subsection will result in progressive punishment:
  1. The first violation of this subsection will result in the Minor being returned home or to school by a police officer. A letter describing the Minor's behavior will be sent to the parent or guardian.
  2. The second violation of this subsection will result in the Minor being referred to the Umatilla County Juvenile Department. The parent will receive a citation, which may qualify for diversion if the Minor complies with this section for one year without additional violations of this Ordinance.
- (3) No parent or adult person having the care or custody of a Minor seven years of age or older who has not completed the twelfth grade shall allow such Minor to be in or upon any street, highway, alley, park or other public place during School Hours except as otherwise provided in this subsection.

D. Policy Custody.

- (1) Any police officer is authorized to take a Minor that has violated this Section into custody. The officer may take the Minor in custody to the police station or another location as designated by the Chief of Police. An officer who takes the Minor to the police station or another designated location shall use due diligence to find a parent and release the Minor to a parent at the police station or other designated location.
- (2) In lieu of holding a Minor who has violated Subsection C of this Section in custody until the Minor is released to a parent, any police officer is authorized to release such Minor to the principal or other designated school official at the school where the Minor is enrolled.

E. Citation in lieu of custody.

Any police officer may issue a citation to a Minor that violates this Section in lieu of taking the Minor into custody provided the Minor is released to a parent, guardian or school official. The citation shall be returnable to the Umatilla County Youth Services.

F. Multiple violations.

- (1) Any Minor that violates this section more than once may be taken into custody and transported home by the police officer, who shall then serve the parent with notice that the parent will be contacted at a later time concerning the parent's need to appear before the juvenile court of Umatilla County with the Minor to show cause as to why the Minor violated this section more than once.
- (2) Any parent of a Minor that violates this section more than once shall be issued a citation to appear in Pendleton Municipal Court. (Repealed by Ordinance No. 3730, passed March 7, 2006)

## SALEM'S NIGHTTIME AND DAYTIME CURFEW

**95.330. Minors Nighttime Curfew.** (a) No minor under the age of 18 years shall be in or upon any street, highway, park, alley, or other public place between the hours specified in subsection (b) of this section unless: (1) The minor is accompanied by a parent, guardian, or other person 18 years of age or over and authorized by the parent or by law to have care and custody of the minor; (2) The minor is then engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during the hours specified in this section; or (3) The minor is lawfully emancipated pursuant to ORS 419B.550 to 419B.558. (b) For minors under the age of 16 years, the curfew is between 10:00 p.m. and 6:00 a.m. of the following morning. For minors 16 years of age or older, the curfew is between 12:00 a.m. and 6:00 a.m. (Ord No. 3677; Ord No. 5287; Ord No. 5369; Ord No. 85-74; Ord No. 53-95; Ord No. 23-97; Ord No. 63-98)

**95.334. Findings and Purpose.** (a) The council determines that prior to enactment of Ordinance No. 23-97 (daytime curfew) May 27, 1997 (sunset June 30, 1998), there had been an increase in truancy and juvenile crime, victimization, and gang activity involving persons under the age of 18 during regular school hours in the City of Salem, and that there was a decrease in these incidents during the 1997-98 school year when the daytime curfew was in effect. (b) The council determines that the State of Oregon compulsory school attendance law has no immediate sanction for juvenile violators, and truancy is not effectively controlled by existing laws and ordinances. 689 6/2009

(c) The Council determines that the City of Salem has a compelling interest in providing for the enforcement of school attendance, for the protection of juveniles from gang activity and the perpetrators of crime, for the reduction of juvenile criminal activities and for the protection of the general public during regular school hours, and that a daytime curfew is the least intrusive method for the City to further these interests. (Ord No. 23-97; Ord No. 63-98)

**95.335. Minors Daytime Curfew.** (a) No minor between the ages of 7 and 18 years who has not completed the twelfth grade shall be in or upon any street, highway, park, alley or other public place during regular school hours except while attending school as required by ORS 339.010 to 339.065, unless: (1) The minor is accompanied by a parent, guardian, or other person 18 years of age or over and authorized by the parent or by law to have care and custody of the minor; (2) The minor is then engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during regular school hours and is authorized by the minor's parent, guardian, or other person having the legal care and custody of such minor; (3) The minor is lawfully emancipated pursuant to ORS 419B.550 to 419B.558, or (4) The minor is authorized and approved to be away from the school as provided in ORS 339.030 and 339.065, but is not suspended or expelled. (b) For purposes of this section, regular school hours are: those hours for the full-time school which the child would attend in the school district in which the child resides, on any day for which school is in session, unless such day is a scheduled vacation or holiday observed by the school. (Ord No. 23-97; Ord No. 63-98)

**95.340. Parent or Guardian Not to Allow Curfew Violation.** (a) No parent, guardian, or person having the care and custody of a minor under the age of 18 years shall allow such minor to be in or upon any street, highway, park, alley, or other public place between the hours specified in SRC 95.330, except as otherwise provided in that section. (b) No parent, guardian, or person having care and custody of a minor between the ages of 7 and 18 years who has not completed the twelfth grade shall allow such minor to be in or upon any street, highway, park, alley, or other public place during regular school hours except as otherwise provided in SRC 95.335. (Ord No. 3677; Ord No. 5287; Ord No. 85-74; Ord No. 23-97; Ord No. 63-98)

**95.350. Enforcement.** Any police officer or any other law enforcement officer is hereby authorized and empowered to take charge of any person under the age of 18 years violating the provisions of SRC 95.330 or 95.335 and it shall be the duty of any such officer taking charge of any such person to thereafter notify the parent or guardian of such person immediately of such violation and to notify such parent or legal guardian that such person will be held in the custody of the police officer until he or she can come get such minor person. For violations of SRC 95.335, a police officer in lieu of holding the minor person in custody for delivery to a parent or legal guardian may release that person to the principal or other designated official at the school at which the minor is enrolled. (Ord No. 3677; Ord No. 5287; Ord No. 23-97; Ord No. 63-98)

**95.360. Duty of Parent or Guardian, to Pick Up Violators.** It shall be unlawful and shall be considered a separate offense for any parent, guardian, or any other adult person having the legal care and custody of any person under the age of 18 years to refuse to come to the police officer and take the minor person under his or her custody immediately to the minor's home upon being notified by the police department as provided in SRC 95.350. (Ord No. 3677; Ord No. 5287; Ord No. 23-97; Ord No. 63-98)



## SHOPLIFTING

Taking things that do not belong to you without permission of their owner is theft. When items stolen are taken from a store, it is often called "shoplifting." There is no difference between shoplifting and theft. The penalties are the same. For example, a youth shoplifting a 50¢ candy bar will end up paying over \$100 in fines and face criminal charges when caught. Additionally the store can fine the parent(s) up to \$750.

-60-

## CURFEW

Curfew laws are in place to ensure safety, not to punish. In Salem and Keizer, curfew laws are in effect everyday of the week, every week of the year.

Parents violate City ordinance if they allow their children to violate curfew, or if they refuse to respond to take custody of their child.

The 1995 Oregon State Legislature passed a law on "Failing to Supervise a Child." The law relates not only to curfew, but other conduct which brings their child in contact with the juvenile court system. A parent who fails to provide adequate supervision for a child is subject to a fine up to \$1,000.

Both parents and youth face consequences when the curfew law is broken.

### Keizer Nighttime Curfew

- For all minors under the age of 18, curfew is 11:00 p.m.

### Salem Nighttime Curfew

- For minors under age 16, curfew is 10:00 p.m.
- For minors 16 and 17 years old, the curfew is 12:00 midnight.

### Daytime Curfew

The City of Salem has adopted a "Daytime Curfew"

-61-

If you are in violation of the daytime curfew, the following will happen:

- The police will transport you to school and notify your parents;
- The police will transport you to Downtown Learning Center;
- If you are outside of the 24J attendance area, you will be taken to Juvenile Detention until your parents can pick you up.
- Home schooled youth must be registered with the ESD and are given a card.
- Half day students - school gives card with the times supposed to be in school marked on it.

If a youth is caught without a card, police can be called and the student will be taken to the Downtown Learning Center and parents will be called.

-62-

person.

The consequence of this type of behavior varies, but youth have received suspensions, expulsions, have lost jobs, been kicked off sports teams or out of clubs, and been referred by the police to the juvenile department for sexual harassment.

If you feel like you are being sexually harassed or think someone else is being sexually harassed, let the person who is doing it know that their behavior is inappropriate and contact a person of authority to confront them. Every person has the right to dignity and respect. If you should have questions regarding sexual harassment, talk to your school counselor or call:

Women's Crisis Center (Anonymous) . . . 503-399-7722  
Northwest Human Services Crisis Line . . 503-581-5535  
or . . . . . 1-800-560-5535

-63-

1 BILL NO. 388

A BILL

ORDINANCE NO.

99-409

2  
3 FOR

4 AN ORDINANCE

5 PROHIBITING TRUANCY;  
6 REPEALING ORDINANCE 97-371  
7

8 WHEREAS, the City of Keizer finds that it furthers the interests of the City to  
9 encourage children to regularly attend school; and

10 WHEREAS, children between the ages of 7 and 18 who have not completed the  
11 twelfth grade are required under state law to regularly attend school; and

12 WHEREAS, under state law there is no fine or penalty attached to a child failing to  
13 regularly attend school; and

14 WHEREAS, the City of Keizer finds that special circumstances exist that call for  
15 the special regulation of minors within the City in order to protect them from being  
16 victimized and enhancing the overall public safety of the community; NOW,  
17 THEREFORE

18 The City of Keizer ordains as follows:

19 Section 1. CHILDREN REQUIRED TO ATTEND SCHOOL. All children  
20 between the ages of 7 and 18 years who have not completed the twelfth grade are  
21 required to attend regularly a public full-time school of the school district in which the  
22 child resides, or comply with the exemptions set forth in ORS 339.030 and ORS 339.035  
23 and state regulations thereunder.

24 Section 2. CHILDREN NOT TO BE IN A PUBLIC PLACE. No child between  
25 the ages of 7 and 18 years who have not completed the twelfth grade may be in or upon  
26 any street, highway, park, alley or other public place during regular school hours unless:

- 27 (a) Such child is accompanied by a parent, guardian or other person 21 years of  
28 age or over and authorized by the parent or by law to have care and custody  
29 of the minor, or

- 1 (b) Such child is engaged in a lawful pursuit or activity which requires the  
2 presence of the child, or there exists a reasonable necessity for the presence  
3 of the child during regular school hours, or  
4  
5 (c) Such child is emancipated pursuant to ORS 419B.550 and 419B.558,  
6 or  
7  
8 (d) Such child is authorized and approved to be away from the school by the  
9 school in which the minor is enrolled, or  
10  
11 (e) Such child is exempt from compulsory school attendance pursuant to ORS  
12 339.030, including but not limited to children taught by a parent or private  
13 teacher, provided that the child and/or parent complies with all laws and  
14 regulations regarding such exemptions.  
15

16 Section 3. VIOLATION BY PARENT OR CUSTODIAN. Any parent,  
17 guardian or person having the care and custody of any child between the ages of 7 and 18  
18 who has not completed the twelfth grade is required to take reasonable steps to prevent  
19 such child from violating Sections 1 and 2 of this Ordinance and is further required to:

- 20  
21 (a) Send such child to and maintain such child in regular attendance at a public  
22 full-time school during the entire school term, or  
23  
24 (b) Comply with the exemption set forth in ORS 339.030 and ORS 339.035  
25 and state regulations thereunder.  
26

27 As used herein, "regular attendance" is given the meaning set forth in ORS  
28 339.065.

29 Section 4. VIOLATION OF ORDINANCE. Violation of Sections 1, 2 or 3 of  
30 this Ordinance is a civil infraction.

31 Section 5. TAKING CHILD INTO CUSTODY. Any police officer is  
32 authorized to take into custody a minor violating any provision of Section 2 as provided in  
33 ORS 419C.080, 419C.085 and 419C.088. The officer shall use due diligence to find the  
34 parents or guardian or other authorized custodian, or school officials.

35 Section 6. SEVERABILITY CLAUSE. Should any section or portion of this  
36 Ordinance be held unlawful and unenforceable by any court of competent jurisdiction,

1 such decision shall apply only to the specific section, or portion thereof, directly specified  
2 in the decision. All other sections or portions of this Ordinance shall remain in full force  
3 an effect.

4 Section 7. REPEAL OF PREVIOUS ORDINANCE. Ordinance No. 97-371 is  
5 hereby repealed.

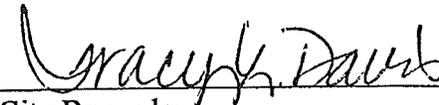
6 Section 8. SAVING CLAUSE. Ordinance No. 97-371, repealed by this  
7 ordinance, shall remain in force to authorize the citation, prosecution, conviction and  
8 punishment of a person who violates Ordinance No. 97-371 prior to the effective date of  
9 this ordinance.

10 Section 9. EFFECTIVE DATE. This Ordinance shall become effective thirty  
11 (30) days after its passage.

12  
13 PASSED this 2nd day of August, 1999.

14 SIGNED this 2nd day of August, 1999.

15  
16   
17 \_\_\_\_\_  
18 Mayor

19   
20 \_\_\_\_\_  
City Recorder

# City of Stayton

## TITLE 9. PUBLIC PEACE AND WELFARE

### CHAPTER 9.24

#### OFFENSES BY OR AGAINST MINORS

#### SECTIONS

9.24.510	Minors Nighttime Curfew
9.24.520	Minors Daytime Curfew
9.24.530	Responsibility of Parent or Guardian
9.24.540	Enforcement
9.24.550	Duty of Parent, Guardian or Custodian to Pick Up Violators
9.24.560	Penalty – Violation by a Minor
9.24.570	Penalty – Violation by Parent or Guardian

#### 9.24.510 MINORS NIGHTTIME CURFEW

1. No minor under the age of eighteen (18) years shall be in or upon any street, highway, park, alley or public way or place between the hours specified in subsection 2. and 3. of this section unless:
  - a. The minor is accompanied by a parent, guardian, or other person over 18 years of age and authorized by the parent or by law to have care and custody of the minor; or
  - b. The minor is engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during the hours specified in this section; or
  - c. The minor is lawfully emancipated pursuant to Oregon law (ORS 419B.550 – 419B.558). (Ord. 874, section 28, 2004)
2. For minors under the age of sixteen (16) years, the curfew is between 10:00 p.m. and 6:00 a.m.
3. For minors sixteen (16) years of age or older, the curfew is between 12:00 a.m. and 6:00 a.m.

#### 9.24.520 MINORS DAYTIME CURFEW

1. No minor between the ages of seven (7) and eighteen (18) years, who has not completed the twelfth grade, shall be in or upon any street, highway, park, alley

TITLE 9. PUBLIC PEACE AND WELFARE

or public way or place during regular school hours except while attending school as required by state law unless:

- a. The minor is accompanied by a parent, guardian, or other person over 18 years of age and authorized by the parent or by law to have care and custody of the minor; or,
  - b. The minor is engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during regular school hours and is authorized by the minor's parent, guardian, or other person having the legal care and custody of such minor; or,
  - c. The minor is lawfully emancipated pursuant to state law; or,
  - d. The minor is authorized and approved to be away from school as provided by state law, but is not suspended or expelled.
2. For the purposes of this section, regular school hours are those hours, for the full-time school, which the child would attend in the school district in which the child resides, on any day for which school is in session, unless such day is scheduled vacation or holiday observed by the school.

9.24.530 RESPONSIBILITY OF PARENT OR GUARDIAN

1. No parent, guardian, or person having the care and custody of a minor under the age 18 years shall knowingly or negligently allow such minor upon a street, highway, park, alley, or other public way or place between the hours specified in Section 9.24.510, except as otherwise provided in that section.
2. No parent, guardian, or person having care and custody of a minor between the ages of 7 and 18 years of age, who has not completed the twelfth grade shall knowingly or negligently allow such minor to be in or upon any street, highway, park, alley, or other public place during regular school hours except as otherwise provided in Section 9.24.520.
3. For the purposes of Sections 9.24.510 and 9.24.520, a person negligently allows a violation of this Code Chapter if, in the exercise of reasonable diligence, the person knew or should have known that a violation would occur.

9.24.540 ENFORCEMENT

1. Any police officer or any other law enforcement officer is hereby authorized and empowered to take charge of any person under the age of 18 years violating the provisions of Sections 9.24.510, 9.24.520 or 9.24.530.

9.24 Offenses By or Against Minors

Revised December 06, 2004

Page 2 of 3

TITLE 9. PUBLIC PEACE AND WELFARE

2. It shall be the duty of any such officer taking charge of such person to thereafter notify the parent, guardian or authorized custodian that the minor will be held in the custody of the police officer until he or she can come and get such minor person.
3. For violations of Section 9.24.520, a police officer, in lieu of holding the minor in custody for delivery to a parent, legal guardian or authorized custodian, may release the minor to the principal or designated official at the school at which the minor is enrolled.

9.24.550 DUTY OF PARENT, GUARDIAN OR CUSTODIAN TO PICK UP VIOLATORS

It shall be unlawful and shall be considered a separate offense for any parent, guardian, or any other adult person having the legal care and custody of any person under the age of 18 years to refuse the bidding to come to the police officer and take the minor person to the minor's home immediately upon being notified by the police department as provided in Section 9.24.540.

9.24.560 PENALTY - VIOLATION BY A MINOR

Any minor who violates the provisions of this chapter may be taken into custody and may be subject to any proceedings available at law. (Ord. 874, section 29, 2004)

9.24.570 PENALTY - VIOLATION BY PARENT OR GUARDIAN

1. A violation of Section 9.24.530 shall be punishable as an infraction by a fine for each violation not to exceed \$250.00.
2. A violation of Section 9.24.550 shall be punishable as an infraction by a fine for each violation not to exceed \$100.00. (Ord. 836, Dec.17, 2001)

# TIGARD MUNICIPAL CODE

## Chapter 7.38 TRUANCY.

### Sections:

- 7.38.010 **Regular School Hours Defined.**
- 7.38.020 **School-Aged Children to be in School During School Hours.**
- 7.38.030 **Authority to Detain and Inquire.**
- 7.38.040 **Child to be Returned to School or Taken into Protective Custody.**
- 7.38.050 **Additional Authority.**

### 7.38.010 **Regular School Hours Defined.**

For purposes of this Section, "regular school hours" are the hours of the full-time school that the minor would attend in the school district where the minor resides, on any day that school is in session, or, if the school in the school district of residence is unknown, "regular school hours" are the school hours of the Tigard-Tualatin School District on any day that school is in session. (Ord. 06-14)

### 7.38.020 **School-Aged Children to be in School During School Hours.**

A minor who is at least seven (7) years of age and under eighteen (18) years of age and who has not completed the 12<sup>th</sup> grade may not be upon any public property or public right of way during regular school hours except while attending school as required by ORS 339.010 to 339.065, unless the minor is:

(a) Absent from the school with the school's permission, but not including students who have been suspended or expelled; or

(b) Engaged in a lawful pursuit or activity that requires the minor's presence somewhere other than school during regular school hours, and which is authorized by the parent, guardian, or other person having legal care and custody of the minor; or

(c) Lawfully emancipated pursuant to ORS 419B.550 to 419B.558; or

(d) Exempt from compulsory school attendance pursuant to ORS 339.030. (Ord. 06-14)

### 7.38.030 **Authority to Detain and Inquire.**

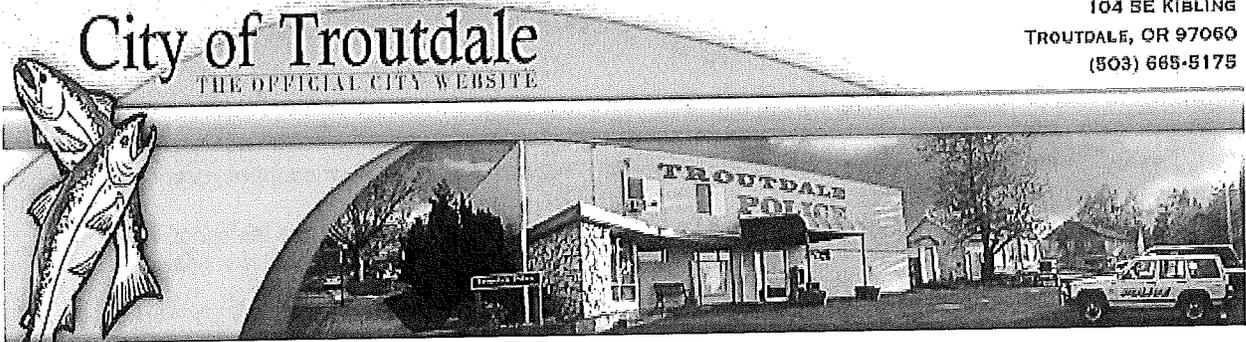
If a police officer has reasonable suspicion to believe that a minor is in violation of this Section, the officer is authorized to detain the minor and make reasonable inquiry regarding a potential violation of Subsection 7.38.020 of this Section. (Ord. 06-14)

### 7.38.040 **Child to be Returned to School or Taken into Protective Custody.**

If a police officer has probable cause to believe that a minor is in violation of this Section, the officer is authorized to return the minor to the custody of the school. If the minor refuses to go to the school, the officer is authorized to take the minor into protective custody. (Ord. 06-14)

### 7.38.050 **Additional Authority.**

This chapter is not intended to in any way limit the authority of a police officer to take any other action authorized by law, including taking a minor into protective custody for reasons other than those stated in Section 7.38.040. (Ord. 06-14)■



## Frequently Asked Questions

### **Does the police department enforce a daytime curfew... what are the hours?**

The curfew affects students between the ages of 7 and 18 years of age who have not completed the 12th grade. The daytime curfew prohibits a student from being on any street, highway, park, alley, or other place open to the public during school hours. The exceptions to this ordinance are as follows:

- The student is accompanied by a parent, or accompanied by any other person 18 years of age or over that is authorized by the parent or by law, to have care or custody of the minor.
  - The student is engaged in lawful pursuit or activity that requires the minor's presence in such public place during school hours.
  - The student is travelling directly between school and home, or to another location designated by a parent, after being authorized and approved to be away from school.
  - The student is emancipated or exempt from school (i.e. home schooled students).
- NOTE: Suspended or expelled students are NOT exempt from the curfew.

---

### **Chapter 9.40 - CURFEW\***

---

#### **Sections:**

- 9.40.010 - Definitions.
- 9.40.020 - Curfew for persons under eighteen years of age—Exceptions.
- 9.40.030 - Responsibility of parent or guardian.
- 9.40.040 - Police custody.
- 9.40.050 - Citation in lieu of custody.
- 9.40.060 - Multiple violations.
- 9.40.070 - Penalties.

#### **9.40.010 - Definitions.**

As used in this chapter, the following words have the following meanings:

"Emancipated" means the conferral of certain rights of majority upon a minor, pursuant to ORS 419B.550 to 419B.558.

"Minor" means a person under the age of eighteen.

"Parent" means the legal guardian or custodian, natural parent or adoptive parent.

"School hours" means the regular hours for the full-time school where the minor would attend, in the school district in which the minor resides, on any day when school is in session.

*(Ord. 722 § 1 (part), 2002)*

### **9.40.020 - Curfew for persons under eighteen years of age—Exceptions.**

- A.  
Nighttime Curfew. No minor shall be in or upon any street, highway, park, alley or other public place between the hours of eleven p.m. or six a.m. of the following morning, unless such minor is:
1. Accompanied by a parent or other person eighteen years of age or older that is authorized by the parent or by law to have care and custody of the minor;
  2. Engaged in a lawful pursuit or activity which requires the minor's presence in such public place during the hours specified in this section and is authorized by the parent; or
  3. Emancipated.
- B.  
Daytime Curfew. No minor between seven and eighteen years of age who has not completed the twelfth grade may be upon any street, highway, park, alley, other place open to the public during school hours except while attending school as required by ORS 339.010 to 339.065, unless such minor is:
1. Accompanied by a parent or other person eighteen years of age or older that is authorized by the parent or by law to have care and custody of the minor; or
  2. Engaged in a lawful pursuit or activity that requires the minor's presence in such public place during school hours and is authorized by the parent; or
  3. Traveling directly between school and home or to another location designated by a parent after being authorized and approved to be away from school as provided in ORS 339.065, but is not suspended or expelled; or
  4. Emancipated or exempt from compulsory school attendance pursuant to ORS 339.030.

*(Ord. 722 § 1 (part), 2002)*

### **9.40.030 - Responsibility of parent or guardian.**

- A.  
No parent or person over eighteen years of age having the care or custody of any minor shall allow such minor to be in or upon any street, highway, alley, park or other public place between the hours specified in subsection 9.40.020(A) of this chapter, except as otherwise provided in that subsection.
- B.  
No parent or person over eighteen years of age having the care or custody of a minor between the ages of seven and eighteen who has not completed the twelfth grade shall allow such minor to be in or upon any

street, highway, alley, park or other public place during school hours except as otherwise provided in subsection 9.40.020(B) of this chapter.

*(Ord. 722 § 1 (part), 2002)*

#### **9.40.040 - Police custody.**

A.

Any police officer is authorized to take a minor that has violated Section 9.40.020 into custody. The officer may take the minor in custody to the police station or another location as designated by the chief of police. An officer who takes the minor to the police station or another designated location shall use due diligence to find a parent and shall release the minor to a parent at the police station or other designated location.

B.

In lieu of holding a minor between the ages of seven and eighteen that has violated subsection 9.40.020(B) in custody until the minor is released to a parent, any police officer is authorized to release such minor to the principal or other designated school official at the school where the minor is enrolled.

*(Ord. 722 § 1 (part), 2002)*

#### **9.40.050 - Citation in lieu of custody.**

Any police officer may issue a citation to a minor that violates Section 9.40.020, in lieu of taking the minor into custody. The citation shall be returnable to the juvenile court of Multnomah County.

*(Ord. 722 § 1 (part), 2002)*

#### **9.40.060 - Multiple violations.**

Any minor that violates Section 9.40.020 more than once, shall be taken into custody and taken home by the police officer, whom shall serve the parent with a subpoena to appear before the juvenile court of Multnomah County with the minor to show cause why the minor violated Section 9.40.020 more than once.

*(Ord. 722 § 1 (part), 2002)*

#### **9.40.070 - Penalties.**

Violations of Sections 9.40.020 and 9.40.030 of this chapter are punishable by a fine up to but not to exceed six hundred dollars.

*(Ord. 722 § 1 (part), 2002)*



Getting it done for Oregon's cities!

A-Z Index

## Categories

# A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

## Curfew

Index > C > Curfew

- Ordinance from McMinnville and Stayton establishing daytime curfew for minors during school hours.

### Resources

- Relevant State Laws (Constitution, ORS, OAR)

### Relevant Items

Parental Responsibility  
Youth-Related Regulations

### Contacts

Website LOC Staff

- Pendleton's curfew ordinance has provisions for both a daytime and nighttime curfew.

- Curfew ordinances, regulating hours minors may be out in public with out a parent or guardian, from the cities of:

Aurora	Junction City	Sandy
Bay City	Milwaukie	Silverton
Central Point	Monmouth	Springfield
Elgin	Philomath	Talent
Fairview	Pilot Rock	Tigard
Gresham	Port Orford	Troutdale
Hermiston	Portland	Waldport
Hillsboro		

- Home
- About Us
- Services
- City Resources
- Legislative
- Conference
- Training
- Publications
- Affiliates
- City Insurance
- Yellow Pages
- Jobs/Interims
- Surveys
- RFPs
- Classifieds
- Internships