

## **Ordinance #UCC 2011-002**

### **Dakota Dunes CID Curfew**

A. Curfew hours. No minor under the age of fourteen (14) years shall be or remain in or upon the public streets, alleys, parks, playgrounds, public grounds, public places, public buildings, public places of amusement and entertainment, vacant lots, in a vehicle or other unsupervised public places within the boundaries of any Improvement District (under SDCL 7-25A), located in Union County, South Dakota, between the hours of ten p.m. and six a.m. of the following day.

B. No minor fourteen (14) or fifteen (15) years of age shall be or remain in or upon the public streets, alleys, parks, playgrounds, public grounds, public places, public buildings, public places of amusement and entertainment, vacant lots, in a vehicle or other unsupervised public places within the boundaries of any Improvement District (under SDCL 7-25A), located in Union County, South Dakota, between the hours of eleven p.m. and six a.m. of the following day.

C. No minor sixteen (16) or seventeen (17) years of age shall be or remain in or upon the public streets, alleys, parks, playgrounds, public grounds, public places, public buildings, public places of amusement and entertainment, vacant lots, in a vehicle or other unsupervised public places within the boundaries of any Improvement District (under SDCL 7-25A), located in Union County, South Dakota, between the hours of midnight and six a.m. of the following day.

D. Responsibility of Parent. It is unlawful for the parents, guardian, or other adult person having the care and custody of the minor under the age of eighteen (18) years to knowingly permit such minor to be or remain in or upon the public streets and places identified in subsections A, B and C above of this section within the Union County limits during the times referenced in subsections A, B and C of this ordinance, except when the minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, or when the minor is upon an emergency errand or legitimate business directed or authorized in writing by such parent, guardian or other adult person having the care and custody of the minor.

E. Exceptions to Curfew. The provisions of this ordinance imposing a curfew on minors shall not apply to a minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed or authorized by his parent, guardian in writing (and dated) or such other adult person having the care and custody of the minor. In addition, minors who have been emancipated are not subject to this ordinance, nor are minors who are attending sponsored school or sponsored church events, attending city council meetings, political activities and similar events which are protected by the First Amendment of the United States Constitution.

F. Penalties.

1. Any minor under the age of eighteen (18) years who violates any of the provisions of this section is guilty of a petty offense, and is subject to arrest or citation. Upon such arrest or citation, the minor may be taken and delivered into the hands of his or her parent, guardian, or other person authorized by the parent or guardian having the care, custody and control of that minor.

2. Any person, guardian, or other person authorized by the parent or guardian having the care or custody of a minor, who violates this section shall be guilty of a petty offense, and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars (\$100.00).

3. Any minor under the age of eighteen (18) years who violates any provision of this section shall be guilty of a petty offense and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars (\$100.00).

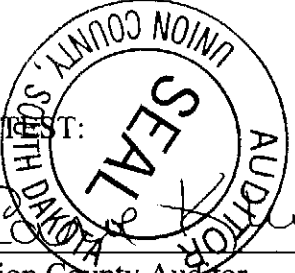
**Duties of law enforcement.**

Each member of the Union County Sheriff's office or other South Dakota law enforcement officer is hereby authorized to arrest any person violating any of the provisions of this ordinance and retain such person for a reasonable time until complaint can be made and warrant issued and served; provided, however, no child or minor person arrested under the provisions of this ordinance shall be placed in confinement until such person has been taken home or the parents, guardian or the person who has legal custody and control of such person has been notified and until the arresting officer has ascertained whether or not such minor person is within the control of his or her parent, guardian or legal custodian so as to ascertain the wishes of the parent, guardian or legal custodian, and the parent, guardian or legal custodian shall refuse to be held responsible for such minor person.

Adopted this 14 day of June, 2011.

BOARD OF COUNTY COMMISSIONERS

*[Signature]*  
Milton Ustall  
*[Signature]*  
*[Signature]*  
*[Signature]*

ATTEST:  
  
*[Signature]*  
Union County Auditor

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