

GARIBALDI ORDINANCES

ORDINANCE NO. 218

AN ORDINANCE ESTABLISHING A CURFEW WITHIN THE CITY LIMITS OF GARIBALDI; AND DECLARING AN EMERGENCY.

The City of Garibaldi does ordain as follows:

Section 1. Curfew Imposed. No minor under 18 years of age shall be in or upon any street, highway, wharves, docks, park, alley, or other public place, between the hours specified in Section 2, unless:

- A. The minor is accompanied by a parent, guardian or other person 21 years of age or over and authorized by the parent or by law to have custody of the minor.
- B. The minor is engaged in a lawful pursuit or activity which requires the minor's presence upon the street, highway, park, alley or other public place, and the minor has written authorization from a parent or guardian to be in a public place at that time.
- C. The minor is emancipated under ORS 109.550. to 109.565.

Section 2. Curfew Hours. For the purpose of this ordinance, the applicable hours of curfew are:

- A. For minors 16 and 17 years of age, the curfew is between 12:00 a.m. and 5:00 a.m., on any days for which no school is scheduled.
- B. For minors 16 and 17 years of age, on any day immediately preceding a date for which public school is scheduled, and for minors 15 years and under on all nights, the applicable hours of curfew are the hours between 10:00 p.m. and 5:00 a.m., of the following morning.

Section 3. Violation of this Ordinance. No parent, guardian, or other person having legal custody of a minor under the age of 18 years shall permit the minor to be in violation of this ordinance.

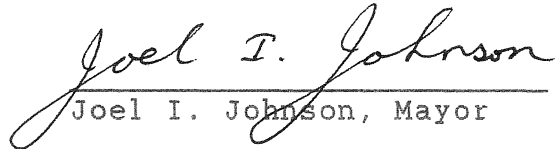
Section 4. Police Custody. Any police officer is authorized to take a minor who is violating a provision of this ordinance into custody as provided by ORS 419.569.

Section 5. Penalty. Violation of Sections 3 or 6 of this ordinance by a parent, guardian, or person having legal custody of a minor is punishable by a fine not to exceed \$250.00.

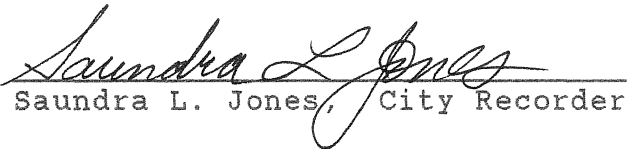
Section 6. Refusal of Parent or Guardian to Take Custody. No parent, guardian, or other person having legal custody of a minor taken into police custody as provided in Section 3 shall refuse to come immediately and take custody of the minor upon being notified to do so by the police.

Section 7. Emergency Clause. That inasmuch as this Ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the City of Garibaldi, and to assure compliance with existing State Law within time constraints, an emergency is declared to exist and this Ordinance shall be in full force and effect from and after its passage by the City Council and approved by the Mayor.

PASSED by the City Council and APPROVED by the Mayor this 9th day of OCTOBER, 1995.


Joel I. Johnson, Mayor

ATTEST:


Saundra L. Jones, City Recorder

**CITY OF GARIBALDI
ORDINANCE NO. 218**

(ENACTED 10/9/95, EFFECTIVE UPON PASSAGE;
AMENDED BY ORD. 254, ENACTED 1/22/02, EFFECTIVE 2/22/02)

**AN ORDINANCE ESTABLISHING A CURFEW WITHIN THE
CITY LIMITS OF GARIBALDI; AND DECLARING AN
EMERGENCY.**

SECTIONS

- 1 *Curfew Imposed*
- 2 *Curfew Hours*
- 3 *Violation of This Ordinance*
- 4 *Police Custody*
- 5 *Penalty [REPEALED]*
- 6 *Refusal of Parent or Guardian to Take Custody*
- 7 *Emergency Clause*

The City of Garibaldi does ordain [sic] as follows:

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B. The minor is engaged in a lawful pursuit or activity which requires the minor's presence upon the street, highway, park, alley or other public place, and the minor has written authorization from a parent or guardian to be in a public place at that time.

C. The minor is emancipated under ORS 109.550. to 109.565.

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A. For minors 16 and 17 years of age, the curfew is between 12:00 a.m. and 5:00 a.m., on any days for which no school is scheduled.

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Section 3. VIOLATION OF THIS ORDINANCE: No parent, guardian, or other person having legal custody of a minor under the age of 18 years shall permit the minor to be in violation of this ordinance.

Section 4. POLICE CUSTODY: Any police officer is authorized to take a minor who is violating a provision of this ordinance into custody as provided by ORS 419.569.

Section 5. PENALTY: [REPEALED by ORD. 254 (enacted 1/22/02).]

Section 6. REFUSAL OF PARENT OR GUARDIAN TO TAKE CUSTODY: No parent, guardian, or other person having legal custody of a minor taken into police custody as provided in Section 3 shall refuse to come immediately and take custody of the minor upon being notified to do so by the police.

Section 7. EMERGENCY CLAUSE: That inasmuch as this Ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the City of Garibaldi, and to assure compliance with existing State Law within time constraints, an emergency is declared to exist and this Ordinance shall be in full force and effect from and after its passage by the City Council and approved by the Mayor.

[NOTE: Penalty provision was repealed by the Global Penalties Ordinance (Ord. 254), which provides for penalties of \$500.00 per day for violation of any City ordinance. Previous penalty for violation of Ord. 218 was \$250.00.]