

704. MINORS

§704.010 MINORS: CURFEW.Subd. 1 DEFINITIONS.

- a. "Authorized adult" shall mean any person who is at least eighteen (18) years of age and authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time.
- b. "Emergency errand" shall mean an errand necessary to avoid or seek help for a harm or peril that is immediate, overwhelming or physical, provided the minor could not have avoided the necessity of the errand by taking advance precautions.
- c. "Minor" shall mean any unemancipated person under the age of eighteen (18) years.
- d. "Parent" shall mean any person having legal custody of a minor (i) natural or adoptive parent; (ii) as legal guardian; or (iii) as a person to who, legal custody has been given by order of the court.
- e. "Public Place" shall mean any public street, highway, roadway, park, public recreation, entertainment or civic facility, or other place open to the public within the City.

Subd. 2 PROHIBITED ACTS.

- a. It shall be unlawful for any minor under the age of sixteen (16) years to be in a public place within the City during the period ending at 5:00 a.m. and beginning at 10:00 p.m. every day of the week.
- b. It shall be unlawful for any minor who is sixteen (16) or seventeen (17) years of age to be in any public place within the City during the period ending at 5:00 a.m. and beginning at 12:00 a.m. (midnight) every day of the week.
- c. It shall be unlawful for a parent or authorized adult of a minor to knowingly, or by inefficient control, permit such minor to be in any public place within the City during the hours prohibited by paragraphs a. and b. of this subdivision herein, under circumstances not constituting an exception to this ordinance as set forth herein. The term "knowingly" includes knowledge which a parent or authorized adult shall reasonably be expected to have concerning the whereabouts of a minor under such person's care.
- d. It shall be unlawful for any person operating or in charge of any place of amusement or refreshment which is open to the public to knowingly permit any minor to remain in such place during the hours prohibited by Paragraphs a. and b. of this subdivision herein, under circumstances not constituting an exception to this Ordinance as set forth herein.

Subd. 3 EXCEPTIONS.

- (1) The following shall constitute valid exceptions to the operation of the curfew:
 - a. At any time, if a minor is accompanied by his or her parent or an authorized adult;
 - b. At any time, if a minor is upon an emergency errand;
 - c. At any time, the minor is upon some necessary errand by permission or direction of said parent, guardian or other adult person having the care and custody of the said minor, which permission shall be in written form and signed by such parent, guardian or other adult person having the care and custody of the said minor;
 - d. At any time, where the presence of said minor in said place or places is connected with or required by some legitimate business, trade or profession or occupation in which said minor is permitted by law to be engaged;
 - e. If the minor is legally employed, for a period of from forty-five (45) minutes before or after work, while going directly between his or her home and place of employment;
 - f. At any time the minor is engaged in interstate travel;
 - g. At any time the minor is married in accordance with the law or had disability of nonage removed by a court of competent jurisdiction;
 - h. At any time the minor is attending, or returning by a direct route to his or her current residence from, a specific activity at a public or semi-public place which is open to the general public and supervised by adults at least twenty-one (21) years of age; provided further, that any such activity begins no later than 10:00 p.m.; provided further, that the juvenile possesses written permission from his or her parent or legal guardian authorizing the juvenile to attend or engage in that specific activity;
 - i. Attending an official school, religious, or recreational activity supervised by adults at least twenty-one (21) years of age and sponsored by the City, a school, church, civic organization or other similar entity, which organization takes responsibility for the juvenile as an invitee, or going to or returning from, any such activity without detour; provided further, that the juvenile possesses written permission from his or her parent or legal guardian authorizing the juvenile to attend or engage in that specific activity.
- (2) It is a defense to prosecution under Subdivision 2 that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Subd. 4 PENALTIES. Violation of this ordinance shall be a misdemeanor. (Ref. §1303.010, Code 1966: Ord. No. 504, 10/13/70, Ord 949, 7/8/97)

§704.020 MINORS; RESPONSIBILITY OF PARENT OR GUARDIAN TO ENFORCE CURFEW. It shall be unlawful for the parent, guardian or other adult person having the charge of a minor under the age of eighteen (18) years to permit such minor to loiter, idle, wander, stroll or play in or upon public streets, highways, roads, alleys, parks, playgrounds, public places, public buildings, places of entertainment and amusement, vacant lots and other unsupervised places in the City of White Bear Lake during the hours prohibited by this chapter.

The provisions of this section do not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor: where the minor is upon an emergency errand or on legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor: or where the presence of a minor in a place is connected with and required by a legitimate business, trade, profession or occupation in which the minor is permitted by law to be engaged. (Ref. §1303.020, Code 1966; Ord. No. 504, 10/13/70)

§704.030 MINORS; RESPONSIBILITY OF BUSINESS TO ENFORCE CURFEW. No person operating or in charge of any place of amusement, entertainment or refreshment shall permit any minor under the age of eighteen (18) years to remain in such place during the hours prohibited by this chapter. The provisions of this section shall not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor. (Ref. §1303.030, Code 1966; Ord. No. 504, 10/13/70)

§704.040 MINORS; DANGEROUS WEAPONS. No minor under the age of eighteen (18) years shall handle, have in his possession or have under his control, except when accompanied by his parent or guardian, any firearm, ammunition, slingshot, sling, air-gun or the like. No person shall give, sell or otherwise furnish a firearm or air-gun of any kind, or any ammunition for use therein, to any minor under the age of eighteen (18) years. (Ref. §1303.050, Code 1966; Ord. No. 504, 10/13/70)

§704.050 UNDERAGE PERSONS, POSSESSION OF TOBACCO. (Ref. Ord. 905, 1/11/94)

Subd. 1. Definitions. For the purposes of this section, the following terms shall have the meanings respectively ascribed to them in this section.

- a. "Tobacco" means cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.
- b. "Tobacco-related devices" means cigarette papers or pipes for smoking.

Subd. 2. Possession by Persons Under 21 Prohibited. Whoever uses, purchases, attempts to purchase, or possesses tobacco or tobacco related devices and is under the age of twenty-one (21) years is guilty of a petty misdemeanor. This subdivision does not apply to a person under the age of twenty-one (21) years who purchases, attempts to purchase, or possesses tobacco or tobacco related devices while under the direct supervision of a responsible adult for training, education, research or enforcement purposes. This subdivision does not apply to the employee of a licensee who is 18 years of age or older when handling tobacco or tobacco related devices as part of a sale to an individual who is 21 years of age or older. (Ref. Ord. 23-08-2066, 8/22/23)