

Chapter 7 MINORS ¹

SECTIONS: ²

- 6-7-1: Loitering of Minors**
6-7-2: Responsibility of Parents
6-7-3: Penalty for Violations
6-7-4: Restitution

6-7-1: Loitering of Minors ³

It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, or play in or upon the public streets, alleys or other public grounds, public places and public buildings, vacant lots or other unsupervised places, or remain in a parked car, or cruise, drive or ride in or on a vehicle repeatedly up and down a street, road or other public way, or repeatedly around a given area, between the hours of 10:00 p.m. and 5:00 a.m. of the following day. These hours will be enforced Sunday through Thursday. On Friday and Saturdays the hours are extended to 11:00 p.m. to 5:00 a.m., provided, however, that the provisions of this Section do 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 of legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor. Also, this ordinance is not intended to prohibit a minor from freely participating in any activity, whether it be social, religious, or civic, so long as he travels directly to or from that activity. Each violation of the provisions of this Section shall constitute a separate offense." (Ord. 136, 10-2-1950; Ord. 1-1984, 2-6-1984, Ord. 9-2015, eff. 9-3-2015, Ord. 2-2016, eff. 1-5-2016)

6-7-2: Responsibility of Parents ⁴

It shall be unlawful for any parent, guardian, or other adult person having the care and custody of a minor under the age of eighteen (18) years to knowingly permit such minor to loiter, idle, wander, or play in or upon the public streets, alleys, or other public grounds, public places and public buildings, vacant lots or other unsupervised places, or remain in a parked car, or cruise, drive or ride in or on a vehicle repeatedly up and down a street, road or other public way, or repeatedly around a given area, between the hours of 10:00 p.m. and 5:00 a.m. of the following day Sunday through Thursday. On Friday and Saturdays between 11:00 p.m. and 5:00 a.m., provided, however, that the provisions of this Section do 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

1 Title 6, Chapter 7, Section 1,2,3,4,5 & 6 are repealed and reenacted. Ord. 1-1984, 2-6-1984.

2 Title 6, Chapter 7 is amended by the addition of Section 4. Ord. 7-2015, eff. 7-9-2015.

3 Title 6, Chapter 7 Section 1 is amended by Ord. 9-2015, eff. 9-3-2015, Ord. 2-2016, eff. 1-5-2016

4 Title 6, Chapter 7 Section 2 is amended by Ord. 9-2015, eff. 9-3-2015, Ord. 2-2016, eff. 1-5-2016

an emergency errand of legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor. Each violation of the provisions of this Section shall constitute a separate offense."

A parent, legal guardian or other person with whom a minor resides and upon whom said minor is dependent for support shall be presumed to have legal responsibility for the safety and welfare of such minor.

The fact that the child is upon the street, highway, road, alley or other public ground, public place, public, vacant lot, or other unsupervised place contrary to the provisions of this chapter shall be prima facie evidence that the parent, or other person having custody of the child, is guilty of violating this chapter. (Ord. 136, 10-2-1950; Ord. 1-1984, 2-6-1984, Ord. 9-2015, eff. 9-3-2015, Ord. 2-2016, eff. 1-5-2016)

6-7-3: Penalty for Violations ⁵

- a. The Custer County Sheriff and his or her deputies shall have the authority to order any juvenile to immediately cease any behavior that is in violation of this chapter. This authority shall include the right to take a juvenile into temporary custody for the purpose of conveying the juvenile to the home of his or her parent, guardian or legal custodian, or for the purpose of locating his or her parent, guardian or legal custodian and to request that this person retrieve the juvenile.
- b. Upon the conviction of a violation of this Section, the Municipal Court shall have authority to impose a fine as is otherwise authorized by this Code, in addition thereto the Municipal Court:
 1. Is hereby authorize to impose useful public service hours not to exceed one hundred (100) hours, in addition to any fine which may be imposed hereunder;
 2. May impose a minimum of twenty (20) hours of useful public service upon the first conviction of a violation of this Section.
 3. May impose a minimum of forty (40) hours of useful public service upon a second and subsequent conviction.
 4. In the event useful public service is imposed, the Municipal Court shall assess costs for the administration of useful public service in the amount of thirty dollars (\$30.00) Payment of said costs shall be deemed mandatory and necessary for the administration of the useful public service program and shall not be suspended.

⁵ Title 6, Chapter 7, Section 3 is repealed and reenacted. (Ord. 5-2-15, eff. 6-13-2015, Ord. 9-2015, eff. 9-3-2015, Ord. 2-2016, eff. 1-5-2016)

- c. Each violation of this chapter shall be deemed separate and distinct from any other violation of this chapter, or of any other state or local law, rule or regulation.
- d. Any juvenile or parent who violates this chapter, shall be punished by a fine of not more than three hundred dollars (\$300.00) for each separate violation." (Ord. 13, 10-2-1950; Ord. 1-1984, 2-6-1984, Ord. 6-1986, 10-7-1986; Ord. 5-2015, 6-13-2015, Ord. 9-2015, eff. 9-3-2015, Ord. 2-2016, eff. 1-5-2016)

6-7-4: Restitution

The actual cost of repairing, restoring or replacing, Town owned or Town controlled property damaged by vandalism or other willful or negligent acts by a minor shall be paid to the Town in addition to any fines which may be imposed by court. (Ord.7-2015, eff. 7-9-2015)

In the event the minor fails to make full restitution of the actual costs of repairing, restoring or replacing Town owned or controlled property, the minor's parent or guardian shall be assessed the costs herein. (Ord.7-2015, eff. 7-9-2015)