

## Chapter 9.16

### OFFENSES BY OR AGAINST MINORS

#### Sections:

- 9.16.010 Underage purchase and consumption of alcohol.**
- 9.16.020 Harboring of minors.**
- 9.16.030 Obscene materials to minors.**
- 9.16.040 Curfew.**
- 9.16.050 Duties of police officers.**
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#### **9.16.010 Underage purchase and consumption of alcohol.**

A. No person under the age of twenty-one (21) years within the city limits shall purchase, attempt to purchase, possess or consume alcoholic beverages as defined by SDCL Title 35 and as may be amended, except when consumed in a religious ceremony and given to such person by an authorized person.

B. No person shall misrepresent his or her age with the use of any document for the purpose of purchasing or attempting to purchase alcoholic beverages from any beer, wine or liquor licensee. Maximum fine for violation of this subsection is Five Hundred Dollars (\$500.00). (Ord. 375 §§ 1, 2, 2002) (Amended 2007)

#### **9.16.020 Harboring of minors.**

It is unlawful for any person to take into their custody a minor without the consent of the minors custodial parent or parents or legal guardian unless such person notifies the North Sioux City police department of the full true name of the minor and the minor's social security number, if any, the name and location of the person(s) harboring the minor, and the location of the minor. Notification must be made in person or by telephone within two hours after the minor comes into the custody of the person(s). For purposes of this section "custody" includes, in addition to its normal meaning, providing shelter in a private home or apartment with or without charge or otherwise permitting a minor to stay in a building or other structure under the control of the person(s). A "minor" is any person under the age of eighteen (18) years. The penalty for violation of this section is a maximum Five Hundred Dollars (\$500.00) fine, maximum thirty (30) day county jail sentence, or both. (Prior code § 5.0307) (Amended 2007)

#### **9.16.030 Obscene materials to minors.**

No person shall disseminate any material depicting nudity, sexual conduct or sadomasochistic abuse to minors. A person is guilty of disseminating materials harmful to minors if they knowingly give or make available to a minor or promote or possess with intent to promote to minors or knowingly sell or loan to minors any of such material. Violation of this section shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00). (Ord. 378 § 6, 2002) (Amended 2007)

**9.16.040 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 city limits 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 city limits 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 city limits 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 city 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). (Ord. 392 §§ 1--4, 2002) (Amended January 2006)

**9.16.050 Duties of police officers.**

Each member of the police force of the city is authorized to arrest any person violating any of the provisions of Section 9.16.040 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 Section 9.16.040 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 the observance of Section 9.16.040 by such minor person. (Prior code § 5.0303)

**9.16.060 Duties of justices.**

It shall be the duty of the justice of the peace upon the arrest of any child or minor person within the provisions of Section 9.16.040, where the parent, guardian or legal custodian of such minor person refuses to become responsible for such minor for the violation of the provisions of Section 9.16.040, to inquire into the facts of the arrest, the conditions and circumstances of such child or minor person, and if it shall appear that such child or minor person, for want of proper parental care, guardianship or control, is growing up in mendicancy or vagrancy or is incorrigible, to cause the proper proceedings to be had and taken as authorized by the laws of the state of South Dakota. (Prior code § 5.0303)