

ORDINANCE NUMBER 1165

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 9.54 OF THE PAYETTE MUNICIPAL CODE BY MAKING IT UNLAWFUL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE TO BE A RUNAWAY; FURTHER SETTING THE CURFEW AT MIDNIGHT FOR ALL PERSONS UNDER EIGHTEEN YEARS OF AGE; MAKING A VIOLATION OF THE CHAPTER A MISDEMEANOR AND PLACING ANY MINOR UNDER THE JUVENILE CORRECTIONS ACT FOR A VIOLATION; MAKING IT A MISDEMEANOR FOR ANY ADULT TO VIOLATE THE CHAPTER; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE, IDAHO;

Section 1. Chapter 9.54 of the Payette Municipal Code is hereby amended to read as follows:

VII. OFFENSES BY OR AGAINST MINORS

Chapter 9.54

RUNAWAY CHILDREN AND CURFEW HOURS

Sections:

- 9.54.010 Running away prohibited for persons under eighteen.
- 9.54.020 Curfew hours for persons under eighteen.
- 9.54.030 Exceptions to applicability of Section 9.54.020.
- 9.54.040 Encouraging or causing runaways or curfew violations prohibited.
- 9.54.050 Presence in public place deemed prima facie evidence of violation.
- 9.54.060 Violation--Different Penalties for children and adults.

9.54.010 Running away prohibited for persons under eighteen.  
It is unlawful for any person under eighteen years of age who lives, resides or is present within the city to (a) run away or attempt to run away from his/her parents, custodial parent, guardian or other legal custodian; (b) be a person who has run away from his/her parents, custodial parent, guardian or other legal custodian, (c) commit or do any act which places him/her beyond the control of his/her parents, custod-

ial parent, guardian or other legal custodian.

9.54.020 Curfew hours for persons under eighteen years of age.

A. It is unlawful for any person under the eighteen years of age to (a) be upon any street, alley, public ground, public place, or upon any private property open to the public or exposed to public use within the city, between the hours of twelve o'clock midnight and five a.m.

B. It shall be unlawful for any parent, guardian or any other person having or exercising custodial control of any person under eighteen years of age, to permit such person to be or to remain, in or upon any street, alley, public ground, public place, or upon any private property open to the public or exposed to public use within the city, between the hours of twelve o'clock midnight and five a.m.

9.54.030 Exceptions to applicability of Section 9.54.020.

The provisions of Section 9.54.020 shall not apply to any person who is accompanied by his/her parent(s), guardian or other adult person having the care and custody of him/her, nor to any person who is in the performance of an errand or duty directed by his/her parent(s), guardian or other adult person having the care and custody of him/her, nor to any person who is actually at the time engaged in legitimate employment for profit.

9.54.040 Encouraging or causing runaways or curfew violations prohibited. It is unlawful for any person by any act or neglect to permit, encourage, aid or cause any person under the age of eighteen years to commit any act prohibited by Sections 9.54.010 and 9.54.020 of this chapter.

9.54.050 Presence in public place deemed prima facie evidence of chapter violation. The presence of a person under eighteen years of age in or upon any street, alley, public ground, public place, or any private property open to the public or exposed to public use within the city, between the hours of twelve o'clock midnight and five a.m., when that underage person is not accompanied by his/her parent(s), guardian or one having legal custody of said child, nor while that underage person is engaged in the performance of an errand or duty directed by his/her parent(s), guardian or other adult person having the care and custody of him/her, nor being actually engaged in legitimate employment for profit shall be prima facie evidence of a violation of this chapter.

9.54.060 Violation-Different penalties for children and adults. A violation of this chapter shall be a general misdemeanor. A violation of this chapter by a minor child shall

bring said child within the purview of the Juvenile Corrections Act of the State of Idaho, or any successor act thereto. Any violation of this chapter by an adult shall be a misdemeanor punishable by imprisonment in the Payette County Jail for a period not to exceed six months, or by a fine not to exceed three hundred dollars (\$300.00) or by both such imprisonment and fine.

Section 2. This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Section 3. Any ordinances or resolutions which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 4. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall constitute Ordinance Number 1165.

Section 5. Any violation of this Ordinance shall be a misdemeanor punishable in accordance with the general misdemeanor statutes of the State of Idaho.

Passed and approved by the Mayor and City Council this 19th day of January, 1999.

CITY OF PAYETTE

By *Don Crosby*  
Mayor

ATTEST: *John P. Franks*  
City Clerk