

ORDINANCE 16.a

ORDINANCE RELATING TO THE REGULATIONS OF MINORS IN THE STREETS.

Section 1.

It shall be unlawful for any child under the age of eighteen (18) years to be in or upon the streets, alleys, parks, or public places in the City of Park River after ten o'clock (10:00 P.M.) at night without the written consent of the parent or guardian of said child unless accompanied by a parent or guardian, or some adult authorized by such parent or guardian, except that on Friday and Saturday nights, said children are allowed to be on the streets, etc., until the hour of midnight.

Section 2.

It shall be unlawful for any parent, guardian, or other person having the legal care and custody of any child under eighteen (18) years of age to allow or permit any such child, ward, or other person under such age, while in such legal custody, to go or to be in or upon any of the streets, alleys, parks, or public places in said city, within the time prescribed by, or contrary to, the provisions of this Ordinance.

ORDINANCE 16.b.

AN ORDINANCE REGULATING SALE OF TOBACCO TO MINORS AND PROHIBITED USE BY MINORS.

Section 1.

It is an infraction for any person to sell or furnish to a minor, or procure for a minor, cigarettes, cigarette papers, cigars, snuff, or tobacco in any other form in which it may be utilized for smoking or chewing. As used in this section, "sell" includes dispensing from a vending machine under the control of the actor.

Section 2.

It is a noncriminal offense for a minor to purchase, possess, smoke, or use cigarettes, cigars, cigarette papers, snuff, or tobacco in any other form in which it may be utilized for smoking or chewing. An individual under eighteen years of age may purchase and possess tobacco as a part of a compliance survey program when acting with the permission of the individual's parent or guardian and while acting under the supervision of any law enforcement authority.

Section 3.

A violation of section 2. is a noncriminal violation and a fee of not less than twenty-five dollars will be assessed for a minor fourteen years of age or older who has been charged with an offense under section 2. The failure to post a required bond or pay an assessed fee by an individual found to have violated this ordinance is punishable as a contempt of court, except a minor may not be imprisoned for the contempt.

Section 4.

A minor fourteen years of age or older found to have violated section 2. must pay a fee of twenty-five dollars.

A. Any individual who has been cited for a violation of section 2. may appear before a city court and pay the fee by the time scheduled for a hearing, or if bond has been posted, may forfeit the bond by not appearing at the scheduled time. An individual appearing at the time scheduled in the citation may make a statement in explanation of that individual's action and the judge may waive, reduce, or suspend the fee or bond, or both. If the individual cited follows the procedures of this division, that individual has admitted the violation and has waived the right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the court must be identical to the fee. The citing officer may not receive the fee or bond.

B. If an individual cited for a violation of section 2. does not choose to follow the procedures provided under subdivision A., that individual may request a hearing on the issue of the commission of the violation cited. The hearing must be held at the time scheduled in the citation or at some future time, not to exceed ninety days later, set at that first appearance. At the time of a request for a hearing on the issue on commission

of the violation, the individual cited shall deposit with the court an appearance bond equal to the fee for the violation cited.

C. The failure to post bond or to pay an assessed fee is punishable as a contempt of court, except a minor may not be imprisoned for the contempt.

**Section 5.**

The prosecution must prove the commission of a cited violation under section 2. by a preponderance of the evidence.

**Section 6.**

A law enforcement officer that cites a minor for violation of this section shall mail a notice of the violation to the parent or legal guardian of the minor within ten days of the citation.

**Section 7.**

A person adjudged guilty of contempt for failure to pay a fee or fine may be sentenced by the court to a sanction or order designed to ensure compliance with the payment of the fee or fine or to an alternative sentence or sanction including community service.

(adopted 6-3-2002)