



## **CHAPTER 9 CURFEW AND TOBACCO – JUVENILES**

### **ARTICLE 1   Curfew for Juveniles**

**9.0101**   **Definitions**   For the purpose of this article the following words shall have the meaning given herein:

1. “Juvenile” means a person less than eighteen years of age.
2. “Parent” means the father and/or mother or such other person who has legal charge or control of said juvenile.

### **9.0102**   **Curfew Regulations**

1. It shall be unlawful for any person under the age of eighteen (18) years to loiter, idle, wander, stroll, play or drive avenues, highways, roads, alleys, parks, playgrounds and other public grounds, public places and public buildings, places of amusement or entertainment, business establishments, vacant lots or other unsupervised places in the City between the hours of 10:30 p.m. (Mountain Time) and 6:00 a.m. (Mountain Time) of the following day for the days of Sunday through Thursday and between the hours of 12:00 p.m. Midnight (Mountain Time) and 6:00 a.m. (Mountain Time) of the following day for the days of Friday and Saturday. This section does not apply to a Juvenile while attending or while in route to or from employment or activities supervised by a school, church, civic or fraternal organization or governmental agency, nor shall such provisions apply to a Juvenile accompanied by his or her parents, guardian or other adult person having parental authorized care and custody of such Juvenile.
2. It shall be unlawful for any parent, guardian or other adult person having the lawful care, custody, or control of any Juvenile person to willfully or negligently allow or permit such Juvenile person to violate the provisions of this section, or to aid or abet such violation.
3. It shall be unlawful for any person operating or in charge of any place of amusement, entertainment or refreshment or other place of business, to knowingly permit any Juvenile to loiter, loaf or idle in such place during the hours prohibited by this section.
4. Whenever the owner or person in charge of any place of amusement, entertainment or refreshment or other place of business shall find a Juvenile, during the hours prohibited, loitering, loafing or idling in such place of business, he shall immediately order the

Juvenile to leave, and if the Juvenile refuses to leave the premises the owner or person in charge shall immediately notify the police department and inform the department of such refusal.

5. This section shall not be construed so as to permit the presence of any Juvenile in any place where his presence is now prohibited by law.
6. Any police officer is hereby authorized to arrest without a warrant any person or persons observed by him to be violating the provisions of this section.
7. A violation of this section shall be an infraction. Any person found guilty of violating any of the terms of provisions of this section may be punished by a fine not to exceed One Hundred (\$100.00) dollars. (Revised 4-03-2001)

## **ARTICLE 2 Tobacco Products – Juveniles**

**9.0201 Definitions** For the purpose of this article the following words shall have the meaning given herein:

1. “Juvenile” means a person less than eighteen years of age.
2. “Parent” means the father and/or mother or such other person who has legal charge or control of said juvenile.

## **9.0202 Tobacco Use or Possession By Juveniles – Prohibited**

1. No person under 18 years of age shall possess, purchase, attempt to purchase, smoke or use cigarettes, cigars, cigarette papers, snuff or tobacco in any other form in which it may be utilized for smoking or chewing except that a person under 18 years of age employed by a licensed tobacco dealer or distributor may handle the tobacco products listed in this section as part of his or her employment. In addition, an individual under eighteen years of age may purchase and possess tobacco as part of a compliance survey program when acting with permission of the individual’s parent or guardian and while acting under the supervision of any law enforcement authority. A state agency, city, county, board of health, tobacco retailer, or association of tobacco retailers may also conduct compliance surveys, after coordination with the appropriate local law enforcement authority. Any person violating this section shall have committed a noncriminal violation and shall pay a fee of Twenty Five (\$25.00) dollars, subject to the following procedures:
2. Any individual who has been cited for a violation of Section 1 may pay the statutory fee in municipal court by the time scheduled for a first appearance or if a 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 statutory fee. If the individual cited follows the procedures of this paragraph, that individual has admitted the violation and has waived the right to a hearing on the issue of commission of the violation. A bond posted under Section 1 must be in the amount of Twenty Five (\$25.00) dollars. The halting officer shall not receive the statutory fee or a bond.

3. If an individual cited for a violation under Section 1 does not choose to follow any procedure provided under paragraph 2 that individual may appear at the time scheduled in the citation and request a hearing on the issue of the commission of the violation charged. The hearing must be held with 90 days of the first appearance. At the time of request for a hearing on the issue of commission of the violation, the individual charged shall deposit with the court an appearance bond in the amount of fifty (\$50.00) dollars. At the hearing on the violation, the City must prove the commission of a violation under this section by a preponderance of the evidence. If the individual does not appear at the time set for the hearing on the violation, the citation shall be deemed admitted and the bond shall be forfeited.
4. A person who admits, forfeits or is found guilty of violation of this section must attend an approved tobacco awareness class within 30 days of the date of the admission, forfeiture or finding of guilt. A person who fails to comply with this paragraph is guilty of an offense.
5. A law enforcement officer that cites a Juvenile for a violation of this section or the court shall mail a notice of the violation to the parent or legal guardian of the Juvenile within ten days of the citation.
6. Any person who fails to answer a citation or summons issued under this section or pay the fee or post the bond specified as required is guilty of an offense. (Enacted 4-03-2001)

### **ARTICLE 3   Sales of Tobacco Products**

**9.0301**   **Definitions** For the purpose of this article the following words shall have the meaning given herein:

1. "Tobacco Products" means any product that requires a North Dakota Tobacco Dealers License prior to selling.
2. "Vending Machine" means any kind of device or mechanical machine which, upon insertion of a coin, coins, currency, tokens or other objects will release tobacco products in package or otherwise.

**9.0302 Sale of Tobacco Products to Persons Under Eighteen Years of Age – Prohibited**

Any person, who sells, furnishes or procures cigarettes, cigarette paper, cigars, snuff or tobacco products in any form in which it may be utilized for smoking or chewing, to any person under the age of eighteen shall be guilty of an infraction. (Enacted 4-03-2001)

**9.0303 Sale of Tobacco Products By Vending Machine** It shall be an infraction for any person to sell or dispense any tobacco through the use of a vending machine except that tobacco products may be offered for sale or sole from a vending machine on licensed on-sale or off-sale alcoholic beverage premises. Tobacco vending machines located upon licensed must be located within the immediate vicinity, plain view and control of a responsible employee, so that all tobacco purchases will be readily observable. The tobacco vending machine shall not be located in a coat room, restroom, unmonitored hallway, outer lobby or waiting area similar unobserved area; nor shall the tobacco vending machine be accessible to the public when the establishment is closed. (Enacted 4-03-2001)

**9.0304 Displaying Tobacco Products in Public** Except on licensed alcohol premises or other premises which are closed to people under 18 years of age, no tobacco products may be stored or displayed in a retail outlet in any area or in a manner which allows for self-service access by customers. (Enacted 4-03-2001)

**9.0305 Penalty** Any person, firm, corporation or association violating any of the provisions of this article shall upon conviction thereof, be subject to a fine of not to exceed Five Hundred and No/100 Dollars (\$500.00). (Enacted 4-03-2001)