

**ORDINANCE NO. 292**

**AN ORDINANCE ESTABLISHING A TRUANCY  
POLICY IN THE CITY OF LESTER PRAIRIE AND AMENDING  
CHAPTER 7 OF THE MUNICIPAL CODE ACCORDINGLY**

**THE CITY OF LESTER PRAIRIE ORDAINS:**

**Section 1.** The following Section 7.13 shall be added to the Municipal Code:

**Section 7.13 TRUANCY FOR COMPULSORY SCHOOL AGE  
MINORS**

**7.13.1 Purpose:** Any parent or legal guardian of a minor child under the age of eighteen (18) years of age who shall by word or deed or failure to act or by lack of supervision and control over said junior child, encourage, contribute toward, cause or tend to cause said minor child to become a “neglected child,” a “delinquent child,” or a “habitual truant,” a “runaway,” a “juvenile petty offender,” a “juvenile alcohol offender,” or a “juvenile controlled substance offender” as defined by Minnesota Statute 260.015, whether or not a petition for adjudication be sought or sustained in McLeod County juvenile court, shall be guilty of a misdemeanor.

The public purpose of this article is to provide for the protection of juveniles from each other and from other persons, for the enforcement of parental control of and responsible for their children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities pursuant to the city’s power to promote the health, safety and general welfare of its citizens.

**7.13.2 DECLARATION OF FINDINGS POLICY**

**WHEREAS, City of Lester Prairie desires to enhance the safety of the community and of its youth; and**

**WHEREAS, a significant percentage of crime committed during school hours is committed by school age youth who are truant; and**

**WHEREAS, the Lester Prairie City Council of McLeod County finds that enhancing the safety of our community and youth requires the efforts of parents, businesses, schools and Lester Prairie; and**

**WHEREAS, legitimate reasons for compulsory school age youth to be in public areas during school hours are few,**

**THEREFORE, the Lester Prairie City Council of McLeod County finds that it is in the best interest of Lester Prairie located in McLeod County and the citizens thereof, to establish a truancy ordinance.**

### **7.13.3 DEFINITIONS**

**A. “Assigned School Location” means the location where a student would be assigned, registered or released to attend, during compulsory school time when the class or activity is in session or the student is dealing with school business.**

**B. “Authorization” means a permission slip given by a school authority to excuse a student from being in the usual assigned school location with school policy or a note from the parent or guardian giving permission for the student to be absent from class. The permission slip must be in the immediate possession of the student at all times when not at the assigned school location during school hours.**

**C. “Compulsory School Age Minor” means a person not less than seven (7) nor more than seventeen (17) years of age that is not exempted and must be attending a public or regularly established private school during the school year of the district in which the minor resides pursuant to Minnesota Statute §120.22.**

**D. “Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious injury or loss of life.**

**E. “Establishment” means any privately owned place of business operated for profit to which the public is invited, including but not limited to any place of amusement or entertainment.**

**F. “Guardian” means:**

- (1) a person who, under court order, is the guardian of the person or minor; or**
- (2) a public or private agency with whom a minor has been placed by court action.**

**G. “Minor” means any person under 18 years of age.**

**H. “Open Campus” means when a compulsory school age minor is allowed by school officials to leave the school campus for lunch purposes.**

**I. “Operator” means any individual, firm, association, partnership, or corporation, managing or conducting any establishment. The term includes members, partners of an association or partnership and the officers of a corporation.**

**J. “Parent” means a person who is:**

- (1) a natural parent, adoptive parent, or step-parent of a minor; or**
- (2) another person, at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.**

**K. “Public Place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, the common areas of schools, hospitals, office and commercial buildings, public transit conveyances or establishments.**

**L. “Remain” means to:**

- (1) linger or stay; or**
- (2) fail to leave premises when requested to do so by police officer or the owner, operator or other person in control of the premises.**

**M. “Truancy Hours” means those hours in which a compulsory school age youth should be attending school in the district or jurisdiction in which the student is enrolled, registered, or required to attend.**

#### **7-13.4 PROVISIONS**

**A. Offenses:**

- (1) A compulsory school age minor commits an offense if he or she remains in any public place, is not in his or her assigned school location, or is on the premises of any establishment in Lester Prairie during truancy hours.**
- (2) A parent or guardian or a minor or person over eighteen (18) years of age commits an offense if he or she knowingly permits, aides, encourages or allows a compulsory school age minor to remain in any public place or on the premises of any establishment within Lester Prairie during truancy hours.**

- (3) Any person commits an offense if he or she engages in any conduct for the purpose of, or resulting in the influencing of any compulsory school age minor to leave or be absent from the assigned school location of said minor during truancy hours.**

**B. Defenses:**

- (1) It is a defense to prosecution under Subsection III. A. (1) that the compulsory school age minor was:**
  - a. accompanied by the minor's parent or guardian;**
  - b. involved in an emergency**
  - c. following school policy regarding open campus for lunch or attending off-campus school approved classes and activities or any other legitimate school sanctioned off-campus function; or taking care of a personal appointment or business and has on his/her person, legal authorization or permission by the school administration or his/her guardian;**
  - d. married or has been married or has disabilities requiring removal from school in accordance with state law.**
- (2) It is a defense to prosecution under Subsection III. A. (2) that the parent or guardian of a compulsory school age minor has met in cooperation with the proper school authorities within fourteen (14) days of notification in response to each certified letter from the court notifying them that their child has received a truancy citation.**
- (3) It is a defense to prosecution under Subsection III. A (3) that the owner, operator, or employee or an establishment, or owner of a private residence, promptly notified the police department that a compulsory school age minor was present on their premises during truancy hours and refused to leave.**

**C. Enforcement:**

- (1) Before taking any enforcement action, an identified police officer shall ask the apparent offender's age and reason for going in the public place or being absent from his/her assigned school location. A citation shall be**

written after a determination by the police officer that the apparent offender is a compulsory school age minor and has no written authorization on his/her person to be excused from school.

- (2) A citation shall be written after determination that the parent, guardian or person over 18 has permitted, aided or encouraged a compulsory school age minor to remain in any public place or on the premises of any establishment within Lester Prairie during truancy hours.
- (3) A citation shall be written after determination that the parent, guardian or person over 18 has engaged in conduct for the purpose of, or resulting in the influencing of any compulsory school age minor to leave or be absent from the assigned school location of said minor during truancy hours.

**D. Penalties:**

Violation of this Ordinance is a petty misdemeanor offense, punishable by a fine not to exceed \$300.00. A defendant who commits an offense as provided in this ordinance is guilty of a separate offense each day or part of a day during which the violation is committed, continued or permitted. For the first offense and the second offense the fine shall not exceed \$50.00 for each offense. A third offense is subject to the maximum fine not to exceed \$300.00

**Section 2.** This Ordinance shall be in full force and effect from and after the date of its passage and publication.

Adopted this 8<sup>th</sup> day of February, 2011.

**CITY OF LESTER PRAIRIE**

By \_\_\_\_\_  
Andrew Heimerl, Its Mayor

ATTEST:

By \_\_\_\_\_  
Marilyn L. Pawelk, Its City Clerk