

CURFEW, SOCIAL GAMES, TRUANCY and CONTROLLED SUBSTANCES**CURFEW****40.110 MINORS UNDER 15 YEARS.**

No minor under the age of 15 years shall be in or upon any street, highway, park, alley, or other public places between the hours of 9:30 p.m. and 4:00 a.m. of the following morning, provided that on and during any night immediately preceding a day upon which the public school will be closed, such hours shall be 10:00 p.m. to 4:00 a.m. of the following morning. [Ord. 17, Sec. 1]

40.120 MINORS 15 THROUGH 17 YEARS.

No minor of the age of 15 years or over, but under the age of 18 years, shall be in or upon any street, highway, park, alley, or other public places between the hours of 10:30 p.m. and 4:00 a.m. of the following morning, provided that on or during any night immediately preceding a day upon which the public schools will be closed, such hours shall be 12:00 midnight to 4:00 a.m. of the following morning. [Ord. 17, Sec. 2]

40.130 EXCEPTIONS.

The provisions of sections 40.110 and 40.120 shall not apply to any minor accompanied by a parent, guardian, or any other person 18 years of age or over and authorized by the parent or by the law to have the care and custody of the minor, or to any minor who is then engaged in a lawful pursuit or activity which requires his presence in such public places during the hours specified in sections 40.110 and 40.120. [Ord. 17, Sec. 3; amended Ord. 95-10]

40.140 JURISDICTION.

The provisions of sections 40.110 to 40.195 shall not apply to any area within an incorporated city in this County. [Ord. 17, Sec. 4]

40.195 PENALTY.

Any minor who violates the terms and provisions of sections 40.110 to 40.195 shall be taken into custody, as provided in ORS 419C.080, 419C.085, and 419C.088, and may be subjected to further proceedings as provided in ORS Chapter 419C. [Ord. 17, Sec. 5; amended Ord. 95-10]

SOCIAL GAMES**40.310 SOCIAL GAMBLING NOT AUTHORIZED.**

Social games are not authorized under ORS 167.121 within unincorporated areas of Polk County. All forms of gambling, as defined in ORS 167.117, remain subject to prohibition or regulation under state law. [Added by Ord. No. 92-34]

TRUANCY

40.400 TRUANCY REGULATIONS.

(1) Except as provided in subsection (2), all minors between the ages of seven and 18 years who have not completed the 12th grade shall attend regularly a public full-time school, as required by ORS 339.010. For the purpose of this section, “attend regularly” means to attend school during those hours for the full-time school which the minor would attend in the school district in which the minor resides, on any day on which the school is in session.

(2) Subsection (1) does not apply to:

- (a) A minor being taught in a private or parochial school in the courses of study usually taught in grades 1 through 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools;
- (b) A minor who proves to the satisfaction of the district school board that he or she has acquired equivalent knowledge to that acquired in the courses of study taught in grades 1 through 12 in the public schools;
- (c) A minor who has received a high school diploma;
- (d) A minor being taught for a period equivalent to that required of children attending public schools by a private teacher the courses of study usually taught in grades 1 through 12 in the public school;
- (e) A minor being educated in the minor’s home by a parent or legal guardian;
- (f) A minor excluded from attendance as provided by law; or
- (g) A minor granted an exemption from compulsory attendance by rule adopted by the State Board of Education pursuant to ORS 339.030(2).

(3) When a peace officer has reasonable grounds to suspect a minor may be in violation of subsection (1) above, the peace officer may contact the minor and make such investigation as may be necessary or appropriate to determine if the minor is in violation of subsection (1).

40.401 ACTION TAKEN.

If a peace officer has probable cause to believe a minor is in violation of section 40.400(1), the peace officer may:

- (a) Take the minor into custody and deliver the minor to the minor’s school principal or attendance supervisor, or their designees, or to the minor’s parent or legal guardian; and
- (b) Refer the minor to the Polk County Juvenile Department.

40.402 PARENT / GUARDIAN.

Any parent, guardian or person having the care and custody of any minor between the ages of seven and 18 who has not completed the 12th grade shall take reasonable steps to prevent such child from violating section 40.400(1), and shall further send such child to and maintain such child in regular attendance at a public school during the entire school term or comply with the exemptions set forth in section 40.400(2).

40.403 VIOLATIONS.

Violation of section 40.400(1) or section 40.402 upon a first and second offense shall constitute a civil infraction. Violation upon a third and subsequent offenses shall constitute a Class C misdemeanor.

[Truancy Section Enacted Ord. 13-01]

CONTROLLED SUBSTANCES

40.500 CONTROLLED SUBSTANCES

The use of any building, structure, location, premises or land for a medical marijuana business is not currently enumerated in the Polk County Code of Ordinances or the Polk County Zoning Ordinance as a permitted use in any zone, nor is the use enumerated as a conditional use in any zone.

[Controlled Substances Section Enacted Ord. 14-02]