

CURFEW ORDINANCE NO. 85

AN ORDINANCE REGULATING CURFEWS FOR MINORS

WHEREAS, the City Council has determined that there has been an increase in juvenile violence, juvenile criminal activity and an increase in crime by persons under the age of eighteen (18) in the City of Zavalla and

WHEREAS, some persons under the age of eighteen years are particularly susceptible by their lack of maturity and experience to participate in unlawful and undesirable activities and to be victims of older perpetrators of crime; and

WHEREAS, the City of Zavalla'S obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental or guardian control of and responsibility for their minors, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities; and

WHEREAS, a curfew for those persons under eighteen (18) years of age will be in the interest of the public health, safety, and general welfare, and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on other citizens of the City of Zavalla;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ZAVALLA, TEXAS:

- Section 1.** That the findings contained in the preamble to this ordinance re determined to be true and correct and are hereby adopted as part of this ordinance.
- Section 2.** **Definitions:** The following words, terms and phrases when used in this ordinance shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning.
- A. **Emergency-** shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include but not limited to a fire, natural disaster, vehicular accident or a serious medical condition of sudden on set.
 - B. **Guardian-** shall mean the person who, under a court order, is the guardian of the person of a minor or the public or private agency with whom a minor has been placed by a court.
 - C. **Minor-** shall mean any person under the age of eighteen (18) years
 - D. **Parent-** shall mean a person who is the natural or adoptive parent of a person. As Used herein, "parent" shall also include a court appointed guardian or their person eighteen (18) years of age or older, authorized by the parent, by a court order, or by the court appointed guardian to have the care and custody of a person.

- E. **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, and the common areas of schools, hospitals, apartments, houses, office buildings, transport facilities, and shops.

Section 3. Offenses

- A. It shall be unlawful for any child under the age of eighteen years to knowingly remain, walk, run, stand, drive or ride about, in or upon any public place in the City between the hours 10:00 p.m. and 5:00 a.m. for such periods that begin on a Sunday, Monday, Tuesday, Wednesday or Thursday.
- B. It shall be unlawful for any child under the age of eighteen (18) years to knowingly remain, walk, run stand, drive or ride about, in or upon any public place in the City between the hours of Midnight and 5:00 a.m. on Friday or Saturday.
- C. It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed by this Ordinance.

Section 4. Defenses

It is a defense to prosecution under Section 3 of this Ordinance that:

- A. The minor was accompanied by his or her parent or guardian;
- B. The minor was accompanied by an adult designated by his or her parent or guardian;
- C. The minor was on an errand made necessary by an emergency;
- D. The minor was attending a school, religious, or government sponsored activity or was traveling to or from a school, religious, or government sponsored activity;
- E. The minor was engaged in a lawful employment activity or was going directly to or coming directly from lawful employment;
- F. The minor was on an errand directed by his or her parent or guardian;
- G. The minor was in a motor vehicle involved in intrastate or interstate transportation;

- H. The minor was engaged in participating in, or traveling to or from an event, function or activity for which the application of Section 3 of this Ordinance would contravene his or her rights protected by the Texas or United States Constitution;
- I. The minor was married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

Section 5. Enforcement

Notwithstanding the penal effect of this Ordinance, the Chief of Police is encouraged to develop alternative enforcement strategies, which may include but not limited to the return of minors to their residence, counseling with minors and their parents or guardians, or the issuance of citations (formal and/or warnings) to minors or their parents or guardians.

Section 6. Penalty

That a person violating a provision of this Ordinance shall upon conviction be Punishable by a fine not to exceed \$200.00.

Section 7. Severability

It is hereby declared to be the intention of the City Council that if any of the sections, paragraphs, sentences, clauses and phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgement or decree of any court of competent jurisdiction, such event shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

PASSED AND APPROVED ON THE FIRST READING, THIS THE 13TH DAY OF NOVEMBER 2006.



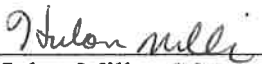
Hulon Miller, Mayor

ATTEST:



DONNA MARSHALL, CITY SECRETARY

**PASSED AND ADOPTED ON THE SECOND READING, THIS THE 11TH DAY
OF DECEMBER, 2006.**



Hulon Miller, Mayor

ATTEST:



DONNA MARSHALL, CITY SECRETARY

CITY SEAL

