ORDINANCE NO. 703

"JUVENILE CURFEW ORDINANCE"

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, PROVIDING FOR A JUVENILE CURFEW; DEFINING TERMS; CREATING OFFENSES FOR MINORS, PARENTS OF MINORS AND OTHER ADULTS VIOLATING CURFEW REGULATIONS; PROVIDING DEFENSES; PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING A PENALTY NOT TO EXCEED $500.00; PROVIDING FOR WAIVER OF JURISDICTION BY THE MUNICIPAL COURT WHEN REQUIRED UNDER THE TEXAS FAMILY CODE; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

WHEREAS, the City of Granite Shoals has an obligation to provide for the protection of minors from each other and from other persons within the City during certain hours, for the enforcement of parental control of and responsibility for their children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities; and

WHEREAS, it is in the interest of the public health, safety, morals and general welfare to attain the foregoing objectives and to diminish the undesirable impact of present conduct on the citizens of the City of Granite Shoals:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS;

A. **DEFINITIONS:**

1. CURFEW HOURS means:

a. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the next day; and

b. 12:01 a.m. until 6:00 a.m. on any Friday or Saturday;

c. 8:30 a.m. until 12:30 p.m. and 1:30 p.m. until 3:00 p.m. on any days that Marble Falls ISD public schools are in session, unless the minor has the school's written permission to be off campus. This subsection shall not apply to children under the age of 6 years.

2. 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, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injure or loss of life.

3. ESTABLISHMENT means any privately owned place of business operated for profit to which the public is invited, including any place of amusement or entertainment.

4. GUARDIAN means:

a. A person who, under court order, is the guardian of a minor; or

b. A public or private agency with whom a minor has been placed by a court.

5. MINOR means any person under 17 years of age.

6. OPERATOR means any individual, firm association partnership, or corporation, operating, managing, or conducting any establishment. The term includes the members or partners of an association of partnership and the officers of a corporation.

7. PARENT means a person who is:

a. A natural parent, adoptive parent, or step-parent of another person; or

b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

8. 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, alleys, sidewalks, parks, parking lots, and the common areas of schools, hospitals, apartment houses, office building, transport facilities and shops.

9. REMAIN means:

a. To linger or stay;

b. To walk, run, idle, loiter, wander, stroll, or aimlessly drive or ride about in or upon any public place; or

c. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

10. SERIOUS BODILY INJURY means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

B. CURFEW HOURS

IT IS UNLAWFUL FOR ANY UNSUPERVISED PERSON UNDER THE AGE OF 17 YEARS TO REMAIN IN ANY PUBLIC PLACE OR ON THE PREMISES OF ANY BUSINESS ESTABLISHMENT WITHIN THE CITY OF GRANITE SHOALS DURING CURFEW HOURS.

CURFEW HOURS

NIGHT TIME

11:00 p.m. to 6:00 a.m. - SUNDAY thru THURSDAY

12:01 a.m. to 6:00 a.m. - FRIDAY and SATURDAY

DAY TIME

8:30 a.m. to 12:30 p.m. and 1:30 p.m. to 3:00 p.m.

WHEN SCHOOL IS IN SESSION

IT IS UNLAWFUL FOR AN OWNER OR EMPLOYEE OF AN ESTABLISHMENT TO ALLOW AN UNSUPERVISED PERSON UNDER 17 YEARS OF AGE TO REMAIN ON THE PREMISES DURING CURFEW HOURS.

C. OFFENSES:

1. A minor commits an offense if he remains in any public place or on the premises of any establishment within the City during curfew hours.

2. A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

3. The owner, operator, or any employee of any establishment commits an offense if he knowingly allows a minor to remain upon the premises or the establishment during curfew hours.

4. Any person commits an offense who induces, encourages, accompanies, assists, or aids or abets a minor in a violation of curfew hours.

D. **DEFENSES**

1. It is a defense to prosecution under subsection B, that the minor was:

   a. Accompanied by the minor's parent or guardian;

   b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;

   c. In a motor vehicle involved in interstate travel or passing through Granite Shoals, Texas;

   d. Engaged in an employment activity, or going to or returning home from an employment activity, without detour or stop;

   e. Involved in an emergency;

   f. Attending an official school, religious, or other recreational activity supervised by adults, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from such activity without any detour or stop.

   g. Home schooled, home bound student, or not truant or otherwise absent from the school in which he/she is enrolled.

   h. Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

2. It is a defense to prosecution under subsection B, 3 of this Ordinance, that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

E. **ENFORCEMENT**:

1. A city police officer, upon finding a minor in violation of curfew hours may enforce this ordinance by use of warnings, citations, summons, or custody arrest or a combination of these methods which, in his judgment,

would be most practical and effective under the circumstances existing at the time.

The officer shall take into consideration such factors as previous offenses, other suspected criminal activity, difficulty of locating the parents, availability of juvenile authorities and detention space, and mitigating or extenuating circumstances.

F. PENALTIES

1. A person who violates a provision of this Ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine to not to exceed $500.00.

2. When required by Section 51.08 of the Texas Family Code as amended, the Municipal Court shall waive original jurisdiction over a minor who violates subsection C, 1 of this section and shall refer the minor to juvenile court.

G. SEVERABILITY

Should any word, phrase, sentence or part of this Ordinance be held to be invalid, illegal, unenforceable, or unconstitutional by any court of competent jurisdiction, such invalidity, illegality, unenforceable, or unconstitutionality shall not affect the remaining portions of this Ordinance so far as practical.

H. REPEALER

This ordinance repeals Ordinance Number 627 and all ordinances or part of ordinances in conflict to this ordinance are hereby repealed.

I. EFFECTIVE DATE

The provisions of this Ordinance shall become effective and be in full force and effect, after the date of final passage and publication thereof.

PASSED AND APPROVED BY THE CITY COUNCIL of the City of Granite Shoals, Texas, at a meeting on the 11th day of October, 2016 at which a quorum was present and for which due notice was given.

Carl Brugger, Mayor

ATTEST:

Elaine Simpson, City Secretary

Approved for Form:

Brad Young

City Attorney