



ORDINANCE #75-2
Amended 02/15/96, and 09/17/02
Review by Council 08/20/02, 7/19/05, 7/15/08, 6/21/11

AN ORDINANCE REGULATING THE PRESENCE OF MINORS UNDER THE AGE OF SEVENTEEN (17) YEARS ON PUBLIC STREETS AND OTHER PLACES BETWEEN CERTAIN HOURS; DEFINING OFFENSES; DEFINING DEFENSES; DEFINING ENFORCEMENT; DEFINING PENALTIES; DEFINING RESPONSIBILITIES OF OWNERS/OPERATORS OF PUBLIC PLACES; DEFINING DUTIES OF PARENTS OR OTHERS IN CARE OF MINORS; PROVIDING PENALTIES FOR VIOLATIONS; AND SETTING AN EFFECTIVE DATE.

WHEREAS, there is a need for governing the conduct of minors in the City of Savoy, Texas for the following purposes:

- (1) Reduce juvenile delinquency,
- (2) Deter criminal conduct involving juveniles,
- (3) Reduce the number of juvenile crime victims,
- (4) Reduce injury from accidents involving juveniles,
- (5) Reduce the additional time police officers spend on unnecessary crimes involving juveniles,
- (6) Provide additional and more effective means and options for dealing with gang-related violence and crime,
- (7) Reduce juvenile peer pressure to stay out late,
- (8) Reduce juvenile peer pressure to participate in violent or criminal activities, and
- (9) Assist parents in the control of their children.

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

Short Title: This ordinance shall be known simply as the "Curfew Ordinance".

ARTICLE I. CURFEW

Section 1: Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Curfew hours means:

- (1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday night until 6:00 a.m. on the following day; and
- (2) 12:01 a.m. on any Friday or Saturday until 6:00 a.m. on the same day.
- (3) 8:00 a.m. until 3:00 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday while school is in session.

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, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

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

Guardian means:

- (1) A person who, under court order, is the guardian of a minor; or
- (2) A public or private agency with which a court has placed a minor.

Minor means any person less than 17 years of age.

Officer means a police officer of the city.

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

Parent means a person who is:

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

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, parks and the common areas and parking lots of schools, hospitals, apartment houses, office buildings, transportation facilities, commercial shopping centers, and shops.

Remain means to:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by an officer or the owner, operator, or other person in control of the premises.

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.

Section 2: Offenses

- (a) A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the city during curfew hours.

- (b) A parent or guardian of a minor commits an offense if the parent or guardian 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.
- (c) The owner, operator, or any employee of an establishment commits an offense if the owner, operator, or employee knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Section 3: Parent's Responsibility

It shall be unlawful for the parent, guardian or other adult person having custody or control of any minor under the age of 17 to suffer or permit or by inefficient control to allow such person to be on the streets or sidewalks or on or in any public property or public place within the City between the hours designated in Section 1. However, the provisions of this Section do not apply to a minor accompanied by a parent, guardian, custodian or other adult person having custody or control of the minor or if the minor is on an emergency errand or specific business or activity directed by a parent, guardian, custodian or other adult person having the care and custody of the minor or if the parent, guardian, custodian or other adult person herein has made a missing person notification to the Police Department.

Section 4: Defenses

- (a) It is a defense to prosecution under Section 2 that the minor was:
 - (1) Accompanied by the minor's parent or guardian,
 - (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop,
 - (3) In a motor vehicle involved in interstate travel,
 - (4) Engaged in, going to, or returning home from an employment activity without any detour or stop,
 - (5) Involved in an emergency,
 - (6) On the sidewalk abutting the minor's residence,
 - (7) Attending or returning home from an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Savoy, the Savoy Independent School District, a civic organization, or another similar entity that takes responsibility for the minor,
 - (8) Married or had been married or had disabilities of minority removed in accordance with V.T.C.A., Family Code, Chapter 31.
- (b) It is a defense to prosecution under Section 2(c) 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.

Section 5: Enforcement of Article Provisions

Before taking any enforcement action under this section, an officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3 is present.

Section 6: Penalties for Violation of Article

- (a) A person who violates a provision of this article 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 not to exceed \$500.00
- (b) 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 Section 2(a) and shall refer the minor to juvenile court.

Section 7: Separability of Provisions

It is the intention of the City Council of Savoy, Texas that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that, if any provision of this ordinance is declared invalid or unconstitutional, all other provisions thereof shall remain valid, enforceable and constitutional.

Section 8: Repeal of Conflicting Ordinances

All existing ordinances of the City of Savoy, Texas, are hereby repealed in so far as they may be inconsistent with the provisions of this ordinance.

Passed and Approved this the 21st day of June 2011.

John Hill, Mayor Pro-Tem

ATTEST:

Regina Lornson, City Secretary