

ORDINANCE 2019-04

AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS IN THE CITY OF TAYLOR; DEFINING OFFENSES FOR MINORS, PARENTS OF MINORS AND BUSINESS ESTABLISHMENTS VIOLATING THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$500.00 FOR VIOLATION HEREOF; PROVIDING FOR SEVERABILITY; REPEALING ALL CONFLICTING ORDINANCES TO THE EXTENT OF SUCH CONFLICT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Council has reviewed evidence presented by the city of Taylor Police Department and has determined that there is a compelling need to protect all persons and specifically those who are minors, under the age of seventeen in the City of Taylor, and

WHEREAS, The City Council believes that persons under the age of seventeen are particularly susceptible to unlawful and gang related activities and to be victims of older perpetrators of crime, and

WHEREAS, The City of Taylor has a compelling interest in providing for the protection of minors from each other and from other persons, the enforcement of parental control of and responsibility for their children, the protection of the general public, and the reduction of the incidence of juvenile involvement in criminal activities, and

WHEREAS, The City Council believes that a curfew for persons under seventeen years of age will be in the interest of the public health, safety, and general welfare, and will help to attain the foregoing objectives.

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

SECTION 1. In this section:

1. Curfew hours means:
 - a. 11:00 p.m. until 6:00 a.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday; and
 - b. Midnight until 6:00 a.m. on any Friday and Saturday; and
 - c. 8:30 a.m. until 11:30 a.m. and 1:15 p.m., until 3:15 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday, during time school is in session
2. Direct Route means the shortest path of travel through a public place to reach a final destination without any detour or stop along the way.
3. Emergency means, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

4. Establishment means any privately owned place of business operated for a profit to which the public is invited, including but not limited to retail stores, restaurants, and places of amusement or entertainment.
5. Juvenile Processing Office means a place designated by the Juvenile Board to which a minor in custody for a violation of this Ordinance will be taken to await pick up by parent or juvenile authorities.
6. Minor means any person under 17 years of age.
7. Operator means any person that owns, operates, manages, or is in control of any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
8. Parent means a person who is:
 - a. A natural or adoptive parent of a minor;
 - b. A court-appointed guardian of a minor; or
 - c. At least 21 years of age and authorized by a parent or court-appointed guardian to have the care and custody of a minor.
9. 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, playgrounds, parks, plazas, public buildings, and establishments. Public place does not include schools, however, during the curfew hours described in subsection 2(c) above.
10. Remain means to:
 - a. Linger or stay unnecessarily; or
 - b. Fail to leave premises when requested to do so by a peace officer or the owner, operator, or other person in control of the premises.

SECTION 2: CURFEW OFFENSES

1. A minor commits an offense if the minor remains in any public place within the city during curfew hours.
2. A parent of a minor commits an offense if the parent knowingly permits, or by insufficient control allows, the minor to remain in any public place within the city during curfew hours.

Violations may be reported to the Taylor Police Department.

SECTION 3: DEFENSES

1. It is a defense to the prosecution under Section 2, that the minor was:
 - a. Accompanied by the minor's parents;
 - b. On an errand that was reasonably necessary, in that an adult was unable or unavailable to perform the errand, the errand could not be postponed until after curfew hours, the errand was at the direction of the minor's parent, and the minor was using a direct route;
 - c. In a motor vehicle involved in interstate travel;

- d. Engaged in an employment activity, including but not limited to newspaper delivery, and was using a direct route;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to a peace officer about the minor's presence;
 - g. Attending an official school or religious activity or returning home by a direct route from an official school or religious activity;
 - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;
 - i. Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code; or
 - j. Carrying a valid college identification card identifying the minor as a college student.
2. It is a defense to prosecution under Section 2 with respect to the curfew hours described in Section 2.3 above that:
 - a. The minor was a high school graduate or has equivalent certification;
 - b. The minor was on an excused absence from his or her place of schooling; or
 - c. The minor's school was not in session.

SECTION 4: ENFORCEMENT

1. A peace officer, upon finding a minor in violation of Section 2.1 will:
 - a. Ascertain the name and address of the minor;
 - b. Have the authority to issue a citation to the minor; and
 - c. Order the minor to go promptly home by a direct route.
2. A peace officer, upon finding a minor in violation of Section 2.1, may take the minor into custody and deliver the minor to a juvenile processing office if reasonable.
3. The parents of a minor may be cited for violation of Section 2.2 upon the minor receiving a second citation for violation of Section 2.1.

SECTION 5: REFERRAL TO JUVENILE AUTHORITIES

Any minor who violates Section 2.1 is subject to the penalty provided in Section 9 of this ordinance, and is also subject to referral to juvenile authorities under Title 3

of the Texas Family Code, as amended.

SECTION 6:

That if any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this ordinance shall remain in effect as if the unconstitutional or invalid portion had not been adopted.

SECTION 7:

That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8:

That any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to penalty of a fine not to exceed \$500.00.


SECTION 9:

That this ordinance shall be in effect thirty (30) days from and after its passage, and the caption hereof shall be published in a newspaper of general circulation in the area as required by the Charter of the City of Taylor.


SECTION 10:

In accordance with Article VIII, Section 1, of the City Charter, Ordinance 2019-04 was introduced before the Taylor City Council on the 14th day of February, 2019.

PASSED, APPROVED, AND ADOPTED this, the 28 day of February, 2019.


Brandt Rydell., Mayor

ATTEST:


Dianna Barker, City Clerk

