

**CITY OF CORINTH, TEXAS  
ORDINANCE NO. 21-06-03-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, REPEALING AND READOPTING SECTION 130.04, "CURFEW FOR MINORS", OF CHAPTER 130, "OFFENSES AGAINST CITY REGULATIONS", OF TITLE XIII, "GENERAL OFFENSES", OF THE CITY'S CODE OF ORDINANCES, IN ITS ENTIRETY, TO ESTABLISH AN ENFORCEABLE CURFEW FOR MINORS WITHIN THE CITY OF CORINTH; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Corinth is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council of the City of Corinth has determined that it is in the best interest of the health, welfare and safety of the residents of the City to provide for the protection of minors from each other and from other persons through enforcement of a curfew for minors; and

**WHEREAS**, on April 16, 2009, the City Council adopted Ordinance No. 9-04-16-05 establishing a curfew for minors under the age of seventeen years old, and readopted the curfew provisions in 2018 via Ordinance No. 18-04-19-13; and

**WHEREAS**, the curfew provisions adopted in 2018 have lapsed and now the City Council desires to repeal and readopt Section 130.04 in its entirety to provide for enforcement of a curfew for minors within the City; and

**WHEREAS**, the City Council, having conducted a public hearing, determines it to be in the best interest of the residents of the City to adopt this Ordinance.

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

**SECTION 1**  
**INCORPORATION OF PREMISES**

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

**SECTION 2**  
**AMENDMENTS**

**2.01.** That Section 130.04, "Curfew for Minors", of Chapter 130, "Offenses Against City Regulations", of Title XIII, "General Offenses", of the Code of Ordinances of the City of Corinth, Texas is hereby repealed in its entirety with all other provisions of Chapter 130 not herein affected to remain in full force and effect.

**2.02** That Chapter 130, "Offenses Against City Regulations", of Title XIII, "General Offenses", of the Code of Ordinances of the City of Corinth, Texas is hereby amended to adopt a new section, Section 130.04 to be entitled, "Curfew for Minors", to be read in its entirety as follows with all other provisions of Chapter 130 not herein amended remaining in full force and effect:

#### **§ 130.04 CURFEW FOR MINORS.**

(A) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***CURFEW HOURS.*** Between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on any day of the week.

***EMERGENCY.*** An unexpected situation or occurrence that demands immediate attention. The term shall include incidents such as medical emergency, automobile accident, fire, natural disaster or providing transportation to a medical care center for another person.

***GUARDIAN.*** Any person who is legally responsible for the minor. The custody must be directed by a court order.

***MINOR.*** Any person under 17 years of age.

***PARENT.*** A natural father or mother or adoptive parent or stepparent of another person. The term PARENT shall also include a court-appointed guardian or other person 18 years of age or older, authorized by the parent to have the care and custody of a person.

***PUBLIC PLACE.*** Any place to which the public or a substantial amount of the public has access, and includes, but not limited to, streets, highways, apartments, parks, shops, stores and common areas of schools, hospitals or office building, and transport facilities.

***REMAIN.*** To linger or stay unnecessarily upon a public place.

(B) *Offenses.*

- (1) A minor commits an offense if the minor remains, appears or enters a public place within the curfew hours.
- (2) A parent or guardian of a minor commits an offense if the parent or guardian knowingly allows, or by insufficient control allows, the minor to remain in any public place during curfew hours.

(C) *Defenses.* It is a defense to prosecution under division (B) above that any of the following circumstances apply:

- (1) The minor is accompanied by a parent or guardian;
- (2) The minor is involved in an emergency situation;
- (3) The minor is accompanied by another adult approved by the parent;
- (4) The minor is going to or returning from a school or religious sponsored activity or activity sponsored by a civic organization that takes responsibility for the minor, and is in the act of returning home from this event;
- (5) The minor is engaging in a lawful employment duty or activity or is going to or returning home from lawful employment without detour or stop;
- (6) The minor is in a motor vehicle involved in interstate travel or transportation;
- (7) The minor is married or has been married or has disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code;
- (8) The minor was exercising his or her First Amendment Rights protected by the United States or Texas constitutions, including, but not limited to, the free exercise of religion, freedom of speech and the right of assembly; or
- (9) The minor was on the sidewalk of the place where such minor resides or on the sidewalk of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence.

(D) *Enforcement.* Before taking any action under this section, a police 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 division (C) above is present.

(E) *Periodic review required.*

- (1) Before the third anniversary of the date of the adoption of this section, the City Manager shall review this section and report to the City Council and make recommendations concerning the ordinance's effect on the community and on the problems the ordinance was intended to remedy.
- (2) The results of review and any reports shall be provided to the City Council and the public (on the city's website) no less than 30 days before any Council action item to renew, amend or repeal the ordinance.

- (F) *Violations.* A person who violates a provision of this section is guilty of a separate offense for each day a violation occurs. Each offense, upon conviction, is punishable by a fine not to exceed \$500.
- (G) *Sunset clause.* This Section 130.04 expires on June 3, 2024, unless sooner terminated or extended as provided in subsection (E) hereof.

### **SECTION 3**

#### **CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances of the City of Corinth and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

### **SECTION 4**

#### **SEVERABILITY**

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

### **SECTION 5**

#### **SAVINGS/CONFLICT**

In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by charter, another ordinance, resolution or other authorization of the City, the provisions of this ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the City are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect.

### **SECTION 6**

#### **PENALTY**

Any person, firm or corporation who violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving an

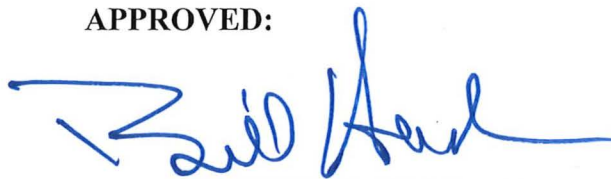
intentional, knowing, reckless or criminally negligent violation of any provision of this ordinance or Code of Ordinances, as amended hereby, governing public health shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 7**  
**PUBLICATION/EFFECTIVE DATE**

This Ordinance shall take effect upon its publication as required by law. The City Secretary is directed to publish the caption and penalty of this Ordinance as required by the City Charter and state law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS on this the 3<sup>rd</sup> day of June 2021.**

**APPROVED:**



Bill Heidemann, Mayor  
City of Corinth, Texas

**ATTEST:**



Lana Wylie, City Secretary  
City of Corinth, Texas



**APPROVED AS TO FORM AND LEGALITY:**



Patricia A. Adams, City Attorney