



ORDINANCE # 20-1110-01

AN ORDINANCE ESTABLISHING A JUVENILE CURFEW ORDINANCE WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF WHITEHOUSE, TEXAS; PROVIDING A PENALTY; REPEALING CLAUSE; AND DECLARING AN EMERGENCY.

PURPOSE:

The purpose of the curfew ordinance is to protect the welfare of the children by: reducing the likelihood that children will be the victims of criminal acts during the curfew hours; reducing the likelihood that children will become involved in criminal acts during curfew hours; encouraging children to remain in school; and aiding parents, guardians, custodians, or other responsible persons in carrying out their responsibility to exercise reasonable supervision of the children entrusted to their care.

PART 1:

A. Definitions. In this section:

Curfew hours means:

1. 11:00 p.m. to 6:00 a.m. any day except Friday or Saturday; and
2. 12:00 midnight to 6:00 a.m. Friday and Saturday.

Emergency means 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 profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Holding location means a place designated by the Police Chief to which a minor taken into custody for a violation of this section will be delivered to await pick up by a parent or juvenile authorities.

Minor means any person under seventeen (17) years of age.

Parent means a person who is:

1. A natural or adoptive parent of a minor;
2. A court-appointed guardian of a minor; or
3. At least eighteen (18) years of age and authorized by a parent or court-appointed guardian to have the care and custody of a minor.

Public place means any street, alley, highway, sidewalk, playground, park, plaza, building, or other place used by or open to the public.

Remain means to:

1. Linger or stay unnecessarily; or
2. 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.

B. Offenses.

1. It is unlawful for a minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
2. It is unlawful for a parent with knowledge to permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

C. Defenses.

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

1. Accompanied by the minor's parent;
2. On an errand or other legitimate business at the direction of the minor's parent;
3. In a motor vehicle involved in interstate or intrastate travel;
4. Engaged in an employment activity, including but not limited to newspaper delivery;
5. Involved in an emergency;
6. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not object to the minor's presence;
7. Attending or returning home from an official school or religious activity;
8. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and right of assembly; or
9. Married or had been married or had disabilities of minority removed in accordance with State law.

D. Enforcement.

1. If a Police Officer reasonably believes that the minor has violated the ordinance and that no defenses apply, a warning for the first offense may be issued to the minor, and the Police Officer may order the minor to go promptly home by a direct route, may transport the minor to the minor's home, or may contact a parent to pick up the minor at the holding location.
2. If a minor is taken into custody under this subsection for subsequent violations, the Police Officer may issue a written citation to the minor and transport the minor to the Police Department. The Police Officer shall immediately notify a parent to pick up the minor at the Police Department. After a parent arrives at the Police Department and provides the information required by the Police Chief to file an incident report, the minor is released to the parent. If a parent cannot be located or fails to take charge of the minor, the minor is released to the juvenile authorities.
3. If a minor is not taken into custody for a violation of subsection B. 1, the Police Department shall notify a parent of the minor that the minor has violated subsection B.1 and may issue a citation to the minor's parent if reasonable grounds exist to believe that the parent has violated subsection B.2 of this section.
4. A Police Officer shall, within twenty-four (24) hours after finding a minor in violation of subsection B.2, file a written report on the incident.

PART 2: PENALTY

Any person/persons failing to comply and either pleading guilty or being found guilty by the court or jury, and with the provisions of this Ordinance, upon conviction, shall be fined not less than One (\$1) Dollar nor more than Five Hundred (\$500) Dollars, for each separate offense cited pursuant to this ordinance, being special Class C misdemeanor as established under the Texas Penal Code. (2007).

PART 3: CATCH LINES

The Catch Lines of the several Sections of this Ordinance immediately following each Section number or subsection number or letter are intended as mere catchwords to indicate the content of the Sections or Subsections, and shall not be deemed or taken as to be titles or subsections, nor as any part or the Section, nor, unless expressly so provided, shall they be so deemed when any of such Sections, including the catch line are amended or re-enacted.

PART 4: SAVINGS CLAUSE

It is hereby declared to be the intent of the City Council that the sections, subsections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, subsection, sentence, clause, or phrase shall be declared to be unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining sections, subsections, sentences, clauses, or phrases, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional or invalid sections, subsections, sentences, clauses, or phrases.

PART 5: REPEALING CLAUSE

This Ordinance repeals and replaces all prior Ordinance or parts of Ordinances in conflict herein.

PART 6: DECLARING AN EMERGENCY

The City Council of the City of Whitehouse, Texas hereby declares an emergency and authorizes the passage of this Ordinance after one reading and publication of said Ordinance.

PASSED AND APPROVED by Whitehouse City Council on this 10th day of November 2020.



Charles Parker, Mayor

ATTEST:



Susan Hargis, City Secretary