

## **ORDINANCE NO. 08-01**

**AN ORDINANCE OF THE CITY OF TOLAR, TEXAS RE-AFIRMING CURFEW ORDINANCE 07-01 AND AMENDING SECTION B (1) OFFENSES PROHIBITING A MINOR CHILD TO REMAIN UPON ANY PUBLIC PLACE IN THE CITY OF TOLAR BETWEEN THE HOURS OF 9:00 A.M. AND 2:30 P.M. ON ANY MONDAY, TUESDAY, WEDNESDAY, THURSDAY OR FRIDAY; ALSO BETWEEN THE HOURS OF 12:00 MIDNIGHT AND 6:00 A.M. ON SUNDAY, MONDAY, TUESDAY, WEDNESDAY OR THURSDAY; OR BETWEEN THE HOURS OF 1:00 A.M. AND 6:00 A.M. ON FRIDAY AND SATURDAY; PROVIDING DEFINITIONS; AND PROVIDING FOR PENALTIES.**

**WHEREAS**, the City Council of the City of Tolar, Texas desires to adopt a curfew ordinance; and

**THEREFORE**, be it ordained by the City Council of the City of Tolar to re-affirm Curfew Ordinance 07-01 and amending Section B (1) Offenses which shall read as follows:

### **SECTION: 1 CURFEW FOR MINORS**

#### **A. DEFINITIONS**

- (1) **MINOR:** Shall mean any person who has not reached his/her eighteenth (18<sup>th</sup>) birthday.
- (2) **PARENT:** Shall mean a person who is the natural or adoptive parent of a person. As used herein, **PARENT** shall also include a court appointed guardian or other person 18 years of age or older, authorized by the parent, by a court order, or by the court appointed guardian to have the care and custody of a person.
- (3) **GUARDIAN:** Shall mean any person to whom custody of a minor has been given by a court order.
- (4) **EMERGENCY:** Shall include but not be limited to fire, natural disaster, an automobile accident, or obtaining immediate medical care for another person.
- (5) **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, and the common areas of hospitals, apartments houses, office building, retail stores, transport facilities or shops.

#### **B. OFFENSES**

- (1) It shall be unlawful for a minor child to purposefully remain, walk, run, stand, drive, or ride about or upon any public place in the City of Tolar between the hours of 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday.
- (2) It shall also be unlawful for a minor child to remain, walk, run, drive or ride in or on a public place in the City of Tolar after the hours of 12:00 midnight until 6:00 a.m. on

Sunday, Monday, Tuesday, Wednesday or Thursday nights or after the hours of 1:00 a.m. until 6:00 a.m. on Friday or Saturday nights.

- (3) It shall be unlawful for any parent having legal custody of a minor child to knowingly allow or permit the minor to be in violation of the curfew imposed in paragraphs (1) and (2) of this subsection.

**C. DEFENSES**

- (1) It is a defense to prosecution under section 1, B of this section that:
- (2) The minor was accompanied by his or her parent.
- (3) The minor was accompanied by another adult approved by the parent.
- (4) The minor was on an emergency errand.
- (5) The minor was engaged in lawful employment activity or is going directly to or from employment.
- (6) The offense occurred during the scheduled vacation of or on a holiday observed by the school in which the minor was enrolled. This defense is valid only for section 1, B, (1).
- (7) The minor has graduated from high school or has received a high school equivalency certificate.
- (8) The minor was in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through the curfew area is the most direct route.
- (9) The minor has permission to be absent from school and or to be in a public place by an authorized school official. ( In the case of a minor being home schooled a parent shall be deemed an authorized school official).
- (10) The minor was married or has been married or had disabilities of minority removed in accordance with chapter 11 of the Texas Family code.
- (11) That the minor was engaged in a recognized and official school activity necessitating that the minor be out after curfew hours. It is understood that the minor will go directly home after the activity is over.
- (12) That the minor was returning from a social engagement and had permission from his/her parent to be out after the curfew. It is understood that the minor will go directly home after the social activity is over.
- (13) During lunch in the event the school has an open campus during lunch.

**D. VIOLATIONS**

- (1) Any police officer, upon finding a minor child in violation of this section has the authority to issue the minor a citation, which shall be filed in the City of Tolar Municipal Court, and authority to return the minor child to his/her school or home.
- (2) Any police officer, upon finding a parent or guardian in violation of this section has the authority to issue the parent or guardian a citation, which shall be filed in the City of Tolar Municipal Court.

**E. PENALTIES**

- (1) Any minor violating the provisions of this section shall be guilty of a class C misdemeanor as defined by the Texas Penal Code and shall be dealt with in accordance with the provisions of Title 3 of the Texas Family Code.
- (2) A parent or guardian of a minor violating this section shall be guilty of a misdemeanor, which shall be punishable by fine of not less than \$50.00 or more than \$500.00.
- (3) In assessing punishment for either parent, guardian or minor the Municipal Court Judge may consider alternate methods of payment.

**PASSED, APPROVED AND ADOPTED** this 21<sup>ST</sup> day of July, 2008 by the City Council of the City of Tolar, Texas in a regular meeting, a quorum being present, by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ in opposition to its passage on first reading.

\_\_\_\_\_  
Terry Johnson, Mayor

Attest:

\_\_\_\_\_  
Joyce Johnson, City Secretary