

ORDINANCE NO. 2017-03-13-C

AN ORDINANCE OF THE CITY OF RANGER, EASTLAND COUNTY, TEXAS, REVIEWING AND RENEWING THE CODE OF ORDINANCES NO. 2011-11-A and 2014-11-10-15 OF THE CITY OF RANGER, TEXAS, TITLED "JUVENILE CURFEW", PROVIDING FOR DEFINITIONS; CREATING OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS; PROVIDING DEFENSES; PROVIDING FOR ENFORCEMENT BY POLICE DEPARTMENT; PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED BY THE FAMILY CODE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE AND, PROVIDING AN EFFECTIVE DATE.

Whereas, the City Commission of the City of Ranger has determined that there has been an increase in juvenile violence, juvenile gang activity and crime by persons under the age of 17 in the City of Ranger, Texas; and

Whereas, persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

Whereas, the City of Ranger wishes to attempt to provide for the protection of minors from each other and from persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities; and

Whereas, the City Commission of the City of Ranger recognizes that many cities in the area are enacting juvenile curfew ordinances, and believes that unless Ranger also adopts such ordinance, juveniles throughout the area may choose to congregate in the City of Ranger to avoid curfews in their own communities; and

Whereas, a curfew for those under the age of 17 will be in the best interest of the public health, safety, and general welfare and will help attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Ranger.

Whereas, upon full consideration and review of all matters related to the enforcement of such a curfew, the City Commission is of the opinion that the requested juvenile curfew ordinance should be approved and adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RANGER, EASTLAND COUNTY, TEXAS, THAT:.

1. "Juvenile Curfew" of the Code of Ordinances is hereby reviewed and adopted to read as follows:

Juvenile Curfew

Section 1.	Definition
Section 2.	Offenses
Section 3.	Defenses
Section 4.	Enforcement
Section 5.	Penalty

Section 1. Definitions For the purposes of this Ordinance the following terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a difference meaning;

- (a) CIVIC ORGANIZATION means a non-profit organization that sponsors or conducts social or recreational activities for youths.
- (b) CURFEW HOURS means 11:00 p.m. until 6:00 a.m. on any of the following nights: Sunday, Monday, Tuesday, Wednesday, or Thursday; and 12:00 a.m. (midnight) until 6:00 a.m. on any Friday or Saturday nights.
- (c) EMERGENCY means an unforeseen circumstance or the resulting state that calls for immediate action. Emergency includes, 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.
- (d) ERRAND means a trip to carry a message or do a definite thing; especially, a short trip to do a thing for someone else.
- (e) 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.
- (f) GUARDIAN means a person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by a court.
- (g) INTERSTATE TRAVEL means transportation of persons or property between places lying in different states; therefore, this definition does not include activities such as joy-riding or cruising.
- (h) MINOR means any person under 17 years of age not including those individuals under 17 years of age who have, in accordance with Chapter 31, Texas Family Code, had the general disabilities of minority removed..

- (i) OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (j) PARENT means a person who is a natural parent, adoptive parent, or step-parent of another person; or at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- (k) PUBLIC PLACE means any place to which the public or substantial group of the public has access and includes, but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- (l) REMAIN means to linger or stay, or 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.
- (m) 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 he or she 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 he or she knowingly permits. Or by insufficient control allows the minor to remain in any public place or establishment within the city during curfew hours.
- (c) The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Section 3. 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 any employment activity, or 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 or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence;

- (7) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Ranger, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Ranger, a civic organization, or another similar entity that takes responsibility for the minor;
 - (8) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assemble; or
 - (9) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code, as amended.
- (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 4. Enforcement

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in that 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 5. Penalty

- (a) Any 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.
- II. Publication shall be made one (1) time in the official publication of the City of Ranger, Texas, after final passage, which publication shall contain the caption stating in substance the purpose of the ordinance.
- III. If any provision, section, sentence, clause or phrase of the ordinance, or the application of same to any person or set of circumstances, if for any reason is held to be unconstitutional, void, or invalid (or for any reason unenforceable), the validity of the remaining portion of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intentions of the City Commission of the City of Ranger in adopting and of the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall

become inoperative or fail by any reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

- IV. To the extent of any prior ordinance of the City of Ranger (or any provision, clause, phrase, sentence or paragraph contained therein) conflicts with this ordinance, said conflicting ordinance, provision clause phrase, sentence or paragraph is hereby repealed.
- V. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the laws of the State of Texas and the Charter of the City of Ranger, Texas.
- VI. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the item, place and purpose of said meeting was given as required by the Open Meetings Act. TEX. GOV'T Code Ann., Chapter 551 (Vernon 1995)

FIRST READING PASSED AND APPROVED in regular session of the City Commission or the City of Ranger, Texas, on the 13th day of February, 2017.

SECOND AND FINAL READING PASSED AND APPROVED in regular session of the City Commission of the City of Ranger, Texas, on the 13th day of March, 2017.

CITY OF RANGER



Joe Pilgrim, Mayor

ATTEST:



Jamie Steinman, City Secretary

