

ORDINANCE NO. 2021-07-26-D

AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS AND RESTRICTING LOITERING IN PUBLIC PLACES WITHIN THE CITY LIMITS OF THE CITY OF RANGER, TEXAS; TO ENSURE THE PROTECTION OF MINORS, PROMOTE PARENTAL CONTROLS AND RESPONSIBILITIES, AND ADDRESS THE ACTS OF VANDALISM IN THE CITY; CREATING A MISDEMEANOR PENALTY PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00; INCLUDING FINDINGS OF FACT AND PROPER NOTICE AND HEARING; REPEAL PREVIOUS ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; PROVIDING SEVERABILITY CLAUSE; EFFECTIVE DATE AND OPEN MEETING CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Commission of the City of Ranger, Texas (the "City Commission") recognizes that persons under seventeen are particularly susceptible by their lack of maturity and experience to participate in unlawful activities and to be victims of older perpetrators of crime; and

WHEREAS, the City Commission has an obligation to provide for the protection of minors from each other and from other persons, to mitigate the potential of injury to a child that results from walking home at night, to promote parental controls over and responsibility for their children, for the protection of the general public and for the reduction of the incidence of juvenile criminal activity; and

WHEREAS, the City Commission believes that it is now necessary to adopt a juvenile curfew to address the increase in the number of juveniles in our City roaming the streets after dark, and acts of vandalism in the City; and

WHEREAS, the City Commission determines that a curfew for those under seventeen years of age will be in the best interest of public health, safety, and general welfare, and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Ranger; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, through the passage of this ordinance, City Commission finds that such regulations are in the public interest and necessary and proper for the good government and peace and order of the City of Ranger.

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

SECTION 1. ESTABLISHMENT OF A CURFEW FOR MINORS. Pursuant to Sections 51.001 and 51.012 of the Texas Local Government Code, the City Commission of the City of Ranger hereby enacts and adopts this Ordinance which establishes a curfew for minors under the age of seventeen years of age within the City Limits of the City of Ranger.

SECTION 2. DEFINITIONS.

(a) "Chief of Police" means the chief of police of the City of Ranger or a designated representative.

(b) "Curfew Hours" means the period beginning at 11:00 p.m. and ending at 6:00 a.m. of the following day on the days of Sunday through Thursday, including days designation for vacation by the local schools. On Friday and Saturday, the period begins at 12:00 a.m. and ends at 6:00 a.m. The time shall be determined by the prevailing standard of time, whether Central Standard Time of Central Daylight Savings Time, generally observed at that hour by the public in the City of Ranger. The time then observed in the City of Ranger Police Department Dispatch, shall be prima facie evidence of the true and correct time.

(c) "Direct Route" means the shortest path to travel through a public place to reach a final destination without any detour or stop along the way.

(d) "Emergency" means, but 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.

(e) "Minor" means a person who is under seventeen (17) years of age.

(f) "Parent" means a person who is;

(1) a natural or adoptive parent of the minor;

(2) a court-appointed guardian of the minor or the public or private agency with whom the minor has been placed by a court; or

(3) at least 21 years of age and authorized by a parent or court appointed guardian to have the care and custody of the minor.

(g) "Public Place" means any street, alley, highway, sidewalk, driveway, yard, playground, park, plaza, building, or other places used by or open to the public. The term "street" includes the legal right of way, including, but not limited to the traffic lanes, curbs, sidewalks, whether paved or unpaved, parkways, and any grass plots or other grounds found within the legal right of way of a street.

(h) "Remain" means to:

(1) linger, stop, or stay for any length of time in or on a public place or roadway or to travel or move upon a street; 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.

SECTION 3. CURFEW – OFFENSES.

(a) A minor commits an offense if he/she remains in any public place within the City limits during curfew hours.

(b) A parent of a minor commits an offense if he/she knowingly permits, or by insufficient control allows, the minor to remain in any public place within the City limits during curfew hours.

(c) A parent of a minor commits an offense if he/she knowingly fails to respond within two hours of receipt of any notification by a law enforcement officer to take custody of a minor taken into custody for violation of this section, unless reasonably hindered from doing so.

SECTION 4. CURFEW – EXCEPTIONS – AFFIRMATIVE DEFENSES.

(a) It is a defense to prosecution of this ordinance when the minor was:

(1) accompanied by the minor's parent;

(2) on an errand at the direction of the minor's parent, was using a direct route, and was carrying a written communication signed by the parent stating a brief description of the errand and that the named minor has consent to perform such an errand;

(3) in a motor vehicle engaged in interstate travel, beginning, ending, or passing through the City of Ranger;

(4) engaged in an employment activity, including but not limited to food delivery, and was using a direct route;

(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 officer about the minor's presence;

(7) attending an official school, civic or religious activity or returning home by a direct route from an official school, civic or religious activity;

(8) attending or traveling directly to or from an activity involving the exercise of First Amendment rights protected by the United States Constitution, including the free exercise of religion, freedom of speech, and the right of assembly;

(9) having graduated from high school or received their high school equivalency certificate;

(10) married or had been married or had disabilities of minority removed in accordance with the Texas Family Code; or

(11) accompanied by a person at least twenty-one years of age, and the minor was carrying a written communication signed by the parent stating the name of the person who is at least twenty-one years of age and accompanying the minor and that the named minor has consent to be in the company of that named person.

SECTION 5. CURFEW – ENFORCEMENT.

(a) A police officer upon finding a minor in violation of Section 2 shall take the necessary steps to determine whether the minor is remaining in a public place in the City limits in violation of Section 2 and whether any defenses/exceptions under Section 3 apply to the actions or activities of the minor. If the officer has probable cause to believe that the minor is in violation of Section 2, the officer may take appropriate enforcement action against the minor in accordance with the laws of the State of Texas and normal police procedures.

(b) If a minor is taken into custody under this section, the police department may issue a citation to the minor and shall take the necessary steps to release the minor to a parent or other reasonable adult.

(c) A peace officer taking into custody a minor for violation of the juvenile curfew ordinance of the City of Ranger, shall follow the guidance of the Texas Code of Criminal Procedure, CRIM P Art. 45.059 and shall without unnecessary delay:

- (1) release the person to the person's parent, guardian, or custodian;
- (2) take the person before a justice or municipal court to answer the charge; or
- (3) take the person to a place designated as a designated juvenile curfew processing office by the head of the law enforcement agency having custody of the person.

(d) The designated juvenile curfew processing office must observe the following procedures:

- (1) the office must be an unlocked, multipurpose area that is not designated, set aside, or used as a secure detention area or part of a secure detention area;
- (2) the person may not be secured physically to a cuffing rail, chair, desk, or stationary object;
- (3) the person may not be held longer than necessary to accomplish the purposes of identification, investigation, processing, release to a parent, guardian, or custodian, or arrangement of transportation to school or court;
- (4) the designated juvenile curfew processing office may not be designated or intended for residential purposes;

(5) the person must be under continuous visual supervision by a peace officer or other person during the time the person is in the juvenile curfew processing office; and

(6) a person may not be held in the designated juvenile curfew processing office for more than six hours.

(e) When a minor is issued a citation and/or taken into custody for a violation of the ordinance, the police department may, either by certified mail, return receipt requested, or by hand delivery, notify a parent of the minor that the minor violated this ordinance and include a warning that any subsequent violation may result in prosecution of the parent under this ordinance.

SECTION 6. CURFEW – VIOLATION – PENALTY.

(a) Any minor who violates this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.00 and may be subject to appropriate action by a juvenile court in accordance with applicable provisions of the Juvenile Justice Code and the Texas Penal Code.

(b) A parent of a minor who violates any provision of the ordinance shall be guilty of a misdemeanor and shall be punished by a fine not exceed \$500.00 per occurrence and that each occurrence may be deemed a separate violation of this ordinance punishable a herein provided.

SECTION 7. CURFEW – REVIEW OF ORDINANCE. In accordance with Section 370.002 of the Texas Local Government Code, the City Commission will review the effect of this Ordinance on the community and on problems the Ordinance was intended to remedy prior to the expiration of three (3) years following the effective date of this ordinance.

SECTION 8. FINDINGS OF FACT. The findings and recitations set out herein above are found to be true and correct and are hereby adopted by the City Commission and made a part hereof for all purposes as findings of fact.

SECTION 9. REPEAL. All ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed to the extent of such conflict.

SECTION 10. SEVERABILITY. The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect notwithstanding the validity of any part.

SECTION 11. PROPER NOTICE AND OPEN MEETINGS ACT. 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 the public notice of the time, place, and purpose of said

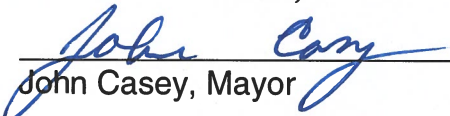
meeting was given as required and that public notice, place, and purpose of said meeting was given as required by the open meetings act, chapter 551, Texas Government Code.

SECTION 12. EFFECTIVE DATE. This Ordinance shall be in full force and take effect upon its passage and publication as provided by law, and it is so ordained.

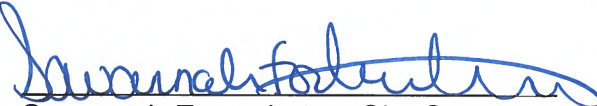
FIRST READING PASSED AN APPROVED, this 12th day of July, 2021.

SECOND READING PASSED AN ADOPTED, this 26th day of July, 2021.

CITY OF RANGER, TEXAS


John Casey, Mayor

ATTEST


Savannah Fortenberry, City Secretary

