

AN ORDINANCE ESTABLISHING A CURFEW IN THE CITY OF CAMP WOOD, TEXAS: PROVIDING DEFENSES: AND PRESCRIBING PENALTIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMP WOOD, TEXAS;

Section 1: Children in Public Places at Night.

(a) It is unlawful for a parent, guardian, managing conservator, or other person having the legal custody, conservatorship, or control of a child under the age of twelve (12) years to permit such child to be or remain upon any public street, alley, or thoroughfare, or in any other public place within the city limits, of the City of Camp Wood, Texas, unless such child is in the presence of or accompanied by his or her parent, guardian, managing conservator, or other person having the legal custody, conservatorship, or control of such child, between the hours of 9:00 P.M. and 6:00 A.M. the following day, on any Sunday, Monday, Tuesday, Wednesday, or Thursday, and between the hours of 10:30 P.M. and 6:00 A.M. the following day, on any Friday or Saturday.

(b) It is unlawful for a parent, guardian, managing conservator, or other person having the legal custody, conservatorship, or control of a child twelve (12) years of age or older, but younger than seventeen (17) years of age, to permit such child to be or remain upon any public street, alley, or thoroughfare, or in any other public place within the city limits, of the City of Camp Wood, Texas, unless such child is in the presence of or accompanied by his or her parent, guardian, managing conservator, or other person having the legal custody, conservatorship, or control of such child, after the hour of 10:30 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, until 6:00 A.M. the following day, and between the hours of 1:00 A.M. and 6:00 A.M. on any Friday or Saturday.

Section 2: Defenses.

(a) It is a defense to prosecution under Subsections (a) or (b) of Section 1, above, that:

(1) the child is about emergency business or upon an emergency errand; or

(ii) the child is in lawful employment making it necessary for him or her to be in such places at prohibited times.

(b) The prosecuting attorney is not required to negate the existence of a defence in the complaint charging commission of the offense.

Section 3: Duties of Peace Officers.

(a) It is the duty of a peace officer to detain any child found upon any public street, alley, or thoroughfare, or in any other public place within the city limits of the City of Camp Wood, Texas, in violation of the provisions of Section 1 of this ordinance, and to thereupon notify the parent, guardian, managing conservator or other person having the legal custody, conservatorship, or control of such child; and the peace officer is hereby authorized to detain such child until the parent, guardian, managing conservator or other person having the legal custody, conservatorship, or control of such child shall take such child into his or her custody.

(b) If the child has no parent, guardian, or managing conservator, and there is no person to whom the legal custody of the child has been granted by a court having jurisdiction, then all proper proceedings shall be instituted to have the child placed in the care and custody of an appropriate state agency, as provided by statute.

Section 4: Penalties.

Any person found guilty of violating any provision of this ordinance shall, upon conviction, be fined in an amount not less than \$25.00 nor exceeding \$200.00.

Section 5: Effective Date.

This Ordinance shall become effective on the expiration of ten (10) days after its passage.

PASSED This 15 day of July, 1985.

Austin Dean
Austin Dean, Mayor

ATTEST:

Doris Ward
Doris Ward, City Secretary