

ORDINANCE 66F

AN ORDINANCE OF THE CITY COUNCIL OF LOG CABIN, TEXAS ADOPTING "CURFEW HOURS FOR MINORS". DEFINING TERMS, CREATING HOURS OF CURFEW FOR MINORS, AND BUSINESS ESTABLISHMENTS VIOLATION CURFEW REGULATIONS; PROVING DEFENSES; PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING FOR REVIEW OF THIS ORDINANCE ANNUALLY IN SEPTEMBER; PROVIDING PENALTIES NOT TO EXCEED \$500.00; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

SECTION I: DEFINITIONS

The following are the definitions for the purpose of this ordinance.

- A. **Chief of Police** - the head of the Log Cabin Police department or designated representative.
- B. **Curfew hours** – a specific time of day at which, by rule, minor must be home.
- C. **Direct Route** – means the shortest path of travel through a public place to reach a destination without any detour or stop along the way.
- D. **Emergency** – fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- E. **Establishment** – 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. **Holding Location** - a place designated by the Chief of Police which a minor taken into custody for a violation of this ordinance will be delivered to await pick up by a parent/guardian or juvenile authorities.
- G. **Minor** – anyone under 17 years of age.
- H. **Operator** – any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association/business.
- I. **Parent** – someone that is natural or adoptive parent, court appointed guardian, guardian or someone at least 21 years of age authorized to care for another person. The word parent used throughout this ordinance will include all of these said titles.
- J. **Public place** – any street, alley, highway, sidewalk, playground, park, beach area, or other place used by or open to the public.
- K. **Remain** – linger or stay unnecessarily, 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 II: CURFEW HOURS

10:00 p.m. Sunday, Monday, Tuesday, Wednesday, or Thursday to 6:00 a.m. of the following day; and 11:00 p.m. on Friday and Saturday to 6:00 a.m. of the following day.

SECTION III: OFFENSES

A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the city during curfew hours. A parent of a minor commits an offense if he/she

knowingly permits by insufficient control, allows the minor to remain in any public place during the city's curfew hours. The owner, operator, or any employee of an establishment commits of an offense if he/she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

SECTION IV: DEFENSES

It is a defense to prosecution under Section III that a minor was:

- A. Accompanied by the minor's parent
- B. On an errand at the direction of the minor's parent and was using a direct route
- C. In a motor vehicle involved in interstate travel
- D. Engaged in an employment activity, including but not limited to newspaper delivery, and was using a direct route
- E. Involved in an emergency
- F. On the sidewalk abutting the minor's residence or abutting the residence of the next-door neighbor if the neighbor did not complain to the police officer about the minor's Presence
- G. Attending an official school or religious activity or returning home by a direct route from an official school or religious activity
- H. Exercising first amendment rights protected by the United States Constitution such as free exercise of religion, freedom of speech, and the right to assembly
- I. Married or had been married or had the disabilities of minority removed in accordance with chapter 31 of the Texas Family Code

It is a defense to prosecute under Section III 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 V: ENFORCEMENT

A police officer, upon finding a minor in violation of Section III shall:

- A. Ascertain the name and address of minor.
- B. Issue to the minor a written warning that the minor is in violation of Section III.
- C. Order the minor to go promptly home by a direct route.

Notwithstanding paragraph 1 of this section, a police officer, upon finding a minor in violation of Section III, may take the minor into custody and deliver the minor to a holding location if:

- A. The minor had received two previous written warnings for a violation of Section III.
- B. Reasonable grounds exist to believe the minor has engaged in delinquent conduct or conduct indication a need for supervision in accordance with Section 51.03 and 52.01 of the Texas Family Code.

When a minor is taken into custody under this section, the police department shall immediately notify a parent to pick up the minor at the holding location. After a parent arrives at a holding location and provides the information required by the Chief of the Police to file an incident report the minor shall be

released into the custody of the parent. If a parent cannot be located or fails to take charge of the minor, the minor shall be released to the juvenile authorities.

If the minor is not taken into custody for a violation of Section III, the Police department shall by certified mail notify a parent of the violation and include a warning that any subsequent violation may result in prosecution of the minor and the parent under this Section. If the minor was found in violation of Section III, at an establishment, the police department shall by certified mail, return receipt requested, notify the owner operator or employee of the establishment of the violation, and include a warning that any subsequent violation may result in prosecution of the owner, operator, and employee under this section.

A police officer shall, within 24 hours after finding a minor in violation of Section III, file a written report on the incident, or assist to the extent possible, in the preparation and filling of the report by a supervisor.

SECTION VI: PENALTIES

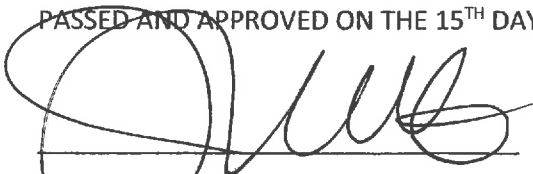
The following are the penalties if this ordinance is violated:

- A. Any minor who violates Section III, three or more times within any 24-month period is subject to appropriate action by a juvenile court in accordance with Chapters 51 and 52 of the Texas Family Code. A minor may not be prosecuted in a Municipal court for a violation of Section III.
- B. A parent of a minor who violated Section III, is, upon conviction, punishable by a fine not to exceed \$500.00.
- C. The owner, operator, or employee of an establishment who violates Section III, is, upon conviction, punishable by a fine not to exceed \$500.00.

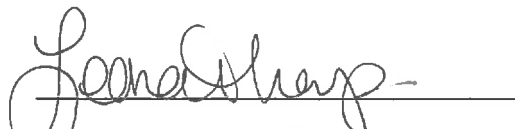
SECTION VII: REVIEW OF ORDINANCE

This ordinance shall be reviewed annually in September by the Mayor and Chief of Police and then presented to council for approval.

PASSED AND APPROVED ON THE 15TH DAY OF SEPTEMBER 2022.



Mayor, Jennifer Williams



City Secretary, Leara Thorp

