

ORDINANCE # 60

CURFEW for MINORS and ADDITIONAL REGULATIONS PERTAINING to MINORS

60-01 Definitions:

For the purpose of section 60-01 through 60-06, the following words and phrases shall have the meaning respectively ascribed to them.

Emergency shall include, but not be limited to, fire, natural disaster, an automobile accident, or obtaining immediate medical care of another person.

Guardian shall mean any person to whom custody of a minor has been given by a court order.

Minor shall mean any person under seventeen (17) years of age.

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 eighteen (18) years of age or older, authorized by the parent, but a court order, or by the court appointed guardian to have the care of and custody of a person.

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 schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

60-02 Offenses

a) It shall be unlawful for any minor to purposefully remain, walk, run, stand, drive or ride about in or upon any public place in the city between the hours of 10:00 p.m. and 6:00 a.m. Sundays through Thursdays, and 12:00 o'clock midnight and 6:00 a.m. on Fridays and Saturdays.

b) It shall be unlawful for the parent having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in section 60-01 of this article. (Ordinance 60)

60-03 Defenses

a) The minor was accompanied by his or her parent;

- b) The minor was accompanied by another adult approved by the parents;
- c) The minor was on emergency errand;
- d) The minor was attending a school or religious activity, or is going to or coming from a school or religious activity;
- e) The minor was engaged in a lawful employment activity or is going directly to or coming directly from lawful employment;
- f) The minor was on the sidewalk of the place where such minor resides;
- g) The minor was upon an errand directed by his or her parent;
- h) 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;
- i) The minor was exercising his or her First Amendment rights protected by the United States Constitution, including, but not limited to, the free exercise of religion, freedom of speech, and the right of assembly; and j) The minor was married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

60-04 Enforcement procedure

Any police officer, upon finding a minor in violation shall transfer the case to proper authorities for handling under the provisions of Title 3 of the Texas Family Code. In addition, a complaint will be filed against the parents in municipal court for violation of subsection 60-02(b) hereof. The police department shall file all necessary legal papers, supply all necessary documentation, and provide necessary testimony as required for pursuing violation of sections 60-01 through 60-06 by either the minor or by any parent or guardian.

60-05 Penalties

- a) Any minor violating the provisions of section 60-01 through 60-06 shall be guilty of a class "C" misdemeanor as defined in the Texas Penal Code and shall be dealt with in accordance with the provisions of Title 3 of the Texas Family Code.
- b) A parent of a minor violating this article shall be guilty of a misdemeanor, which shall be punishable by a fine of one hundred dollars (\$100.00) for the first offense, two hundred fifty dollars (\$250.00) for the second offense, and five hundred dollars (\$500.00) for the third and subsequent offenses.

c) In assessing punishment for either a parent or a child, the municipal court judges are encouraged to consider the community service program.

60-06 Severability

It is hereby declared to be the intention of the city council that if any of the sections, paragraphs, sentences, clauses and phrases of sections 60-01 through 60-06 shall be declared unconstitutional or otherwise illegal by the valid judgement or decree of any court of competent jurisdiction, such event shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections 60-01 through 60-06 since the same would have been enacted by the city council without the incorporation in these sections of any such unconstitutional or illegal phrase, clauses, sentence, paragraph, or section.

60-07 Responsibility of parents to repair property damage caused by children in certain instances, penalty for violation.

a) Definitions. For the purpose of this section,, the following words shall have the meanings respectively ascribed:

- 1) Child means a person under eighteen (18) years of age who is not and has not been married or who has not had his disabilities of minority removed for general purposes.
- 2) Parent means the mother, a man as to whom the child is legitimate, or an adopted mother or father, a court appointed guardian or conservator or other person eighteen (18) years of age or older, authorized by the parent, buy a court order, or by the court-appointed guardian or conservator to have the car and custody of a child.

b) Offense. It shall be unlawful for a parent of a child to fail to repair or pay for any property damage proximately caused by (1) the negligent conduct of the child if the conduct is reasonably attributable to the negligent failure of the parent to exercise control and reasonable discipline of the child; or (2) the willful and malicious conduct of a child who is at least twelve (12) years of age but under eighteen (18) years of age.

c) Penalty for violation. A parent violating this ordinance shall be guilt of a Class"C" Misdemeanor, which shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

LOITERING AND OBSTRUCTING PUBLIC ACCESS

60-11 Definitions

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them.

Loiter. The term "loiter" shall include the following activities: The walking about aimlessly without apparent purpose; lingering; hanging around; lagging behind; the idle spending of time; delaying; sauntering and moving slowly about, where such conduct is not due to physical defects or conditions.

Place. The term "place", public or private shall include but not be limited to, the following: All places commonly known as being distinctively public, such as public streets, public restrooms, sidewalks, parks, municipal airports, parking lots, alleys and buildings; all places privately owned but open to the public generally such as shopping centers, transportation terminals, retail stores, movie theaters, office parking lots, buildings and restaurants and all places distinctively private, such as homes or private residences and apartment houses.

Surrounding area. The term "surrounding area" shall be defined as follows: That area easily and immediately accessible to the person under the observation.

60-12 Loitering

a) *Loitering unlawful.* It shall be unlawful for any person, whether alone or in any grouping or assemblage of persons, to loiter, as hereinafter defined, in, on, or about a place, public or private, within the corporate limits of the city, when such loitering is accompanied by activity or circumstances that afford probably cause for alarm or concern for the safety and well-being of persons or for the security of property, in the surrounding area.

b) *Examples of loitering activities.* The term "loiter" is herein defined to include any of the following activities, although this list is not meant to be all-inclusive:

- 1) Lingering in the streets, sidewalks, parking lots, or vicinity of a business, in which the person has no ownership or employment interest, either within or outside of a vehicle, when the premises are not open for business to the public.
- 2) Failure to leave private property when requested to do so by the owner, manager, proprietor, lessee of such property.
- 3) Walking, standing, driving a vehicle, or parking a vehicle in the business district or

nonresidential areas of the city under circumstances that show no apparent business or employment-related need for such activity.

- 4) Lingering in the street, sidewalks, or vicinity of a residence, either within or outside of a vehicle, without the permission of the owner or tenant of the residence.
- 5) Lingering in the streets, alleys, sidewalks, parks, or other public places, whether within or outside of a vehicle, under circumstances that show no apparent reason or business to do so;
- 6) The systematic checking by a person of doors, windows, or other means of access to buildings, houses, or vehicles;
- 7) Repeated activity by a person, continuous or broken, which outwardly manifests no purpose, such as going from one place to another and back with no showing of use for such movement; and/or
- 8) Continuous presence by a person in close proximity to any building, house, vehicle, or any other property or to any other person, at any time, when the activity of such person manifests possible unlawful activity, such continuous presence being for an unreasonable period of time under the circumstances then existing.

c) *Exemptions.* The following activities shall not be considered "loitering" and shall be exempt from the provisions of this section:

- 1) A person shall not be considered loitering while in direct route, and not lingering, to or from work or to or from place of residence;
- 2) A person shall not be considered loitering while engaged in the repair of a disabled vehicle;
- 3) A person under the age of eighteen (18) shall not be considered loitering while engaged in, or in direct route to school, church, or entertainment activities with permission of his or her parent or guardian; and/or
- 4) A person shall not be considered loitering while sleeping in a vehicle, provided the vehicle is parked on private property with the permission of the owner or manager of the premises, or if the vehicle is parked on public property, with the permission of a police officer.

- d) *Not a limitation.* Nothing in this section shall be construed in any way limit the present police powers of the law enforcement officers of the city, to make any investigations, detention or arrest as the circumstances may warrant, in the usual course of the enforcement of the laws and the ordinances applicable to such cases.


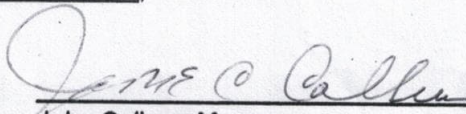
60-13 Obstructions prohibited.

- a) *Obstructions to building entrances and exits prohibited.* It shall be unlawful for any person, grouping or assemblage of persons, whose standing, remaining or congregating upon any entrance, alcove or steps leading from a public or private building or structure in the city shall obstruct, prevent, or interfere with the free or unobstructed use of said entrance or exit, or of the street or sidewalk adjacent thereto, by other persons; to fail or refuse to move on or disperse upon being ordered to do so by any police officer of the city or other peace officer.
- b) *Obstructions to streets and sidewalks prohibited.* It shall be unlawful for any person, grouping, or assemblage of persons, whose standing, remaining, or congregating upon any public street or sidewalk in the city shall obstruct, prevent, or interfere with the free or unobstructed use of said street or sidewalk by other persons, to fail or refuse to move on or to disperse upon being ordered to do so by any police officer of the city or other peace officer, unless said grouping or assemblage of persons has first obtained from the city a permit for a parade.

60-14 Offense prosecuted as a Class "C" misdemeanor.

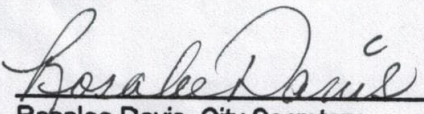
A violation of this ordinance shall be prosecuted as a Class "C" misdemeanor in the municipal court of the city.

PASSED AND APPROVED by the governing body of the Town of Indian Lake, Texas on this 14 day of December, 1998.

Jake Collum, Mayor
Town of Indian Lake, Texas

ATTEST:



Rosalee Davis, City Secretary