



City of Orchard

ORDINANCE NO. 093-2010

ORDINANCE OF THE CITY OF ORCHARD, TEXAS, ESTABLISHING CURFEW TIMES FOR MINORS, ESTABLISHING DEFINITIONS AND PUNISHMENT FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, The Mayor of Orchard has received a number of complaints from citizens regarding minors in public without adult supervision during late hours of the night and early morning hours. The City Council for the City of Orchard acknowledges that the risk of endangerment to the minor and or to the public is increased when minors are without adult supervision.

WHEREAS, The City Council of the City of Orchard has investigated, reviewed and considered complaints and related concerns addressed regarding minors in public without adult supervision during late hours of the night and early morning hours, and that this does constitute a safety and health concern, which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of its residents and others and or the minors;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORCHARD, TEXAS:

That the City Council for the City of Orchard adopts the following ordinance establishing curfew hours for minors in public without adult supervision.

Section 1. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Adult shall mean any person (18) eighteen years of age or older.

Guardian shall mean the person who, under a court order, is the guardian of the person of a minor or the public or private agency with whom the minor has been placed by the court.

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

Parent shall mean a natural, adoptive parent or step-parent of a minor.

Public Place shall mean any place in the city 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, apartments, houses, office buildings, theaters, shops, shopping malls, shopping strips, or any other place engaged in the sale or provision of merchandise, services, or entertainment.

Section 2. Offenses.

- a. It shall be unlawful for any minor twelve (12) years of age or under to remain, walk, run, stand, drive or ride about, in and upon any public place in the city during the period from 9:00 p.m. on any day of the week to 5:00 a.m. of the following day.
- b. It shall be unlawful for any minor thirteen (13) years of age or older and under the age of seventeen (17), to remain, walk, run, stand, drive or ride about, in and upon any public place in the city during the period from 12:00 midnight on any day of the week to 5:00 a.m. of the following day, except when the following day is a regular school day in which the minor is required by law to be in attendance at the school where he is enrolled. In that event, when the following day is a regular school day, it shall be unlawful for said minor to remain, walk, run, stand, drive or ride about, in and upon any public place in the city during the period of 10:00 p.m. on any day of the week to 5:00 a.m. of the following day.
- c. It shall be unlawful for the parent or guardian, or an adult selected by the parent or legal guardian to supervise the minor, to permit or by insufficient control allow the minor to be in violation of the city curfew.

Section 3. School attendance; parental duties.

- a. No minor between the ages of six (6) years and under seventeen (17) years of age shall be at any public place within the city except in attendance at school between the hours of 8:00 a.m. and 3:00 p.m. during any school day, unless the minor has written proof from school authority excusing him or her from attending school at that particular time, or unless the minor is accompanied by a parent or legal guardian, or an adult selected by the parent or legal guardian to supervise the minor.
- b. Each parent or legal guardian of a minor between the ages of six (6) and under seventeen (17) years of age, shall have a duty to prohibit the minor from behaving contrary to the city curfew. Any person who violates this section is guilty of failing to supervise a minor of compulsory school age.

Section 4. Children suspended or expelled from school; parental duties imposed.

- a. If a minor between the ages of six (6) years and under seventeen (17) years of age, is suspended or expelled from school, then each parent or legal guardian of the minor shall have the following duties for the duration of the suspension or expulsion:
 1. The duty to prohibit the minor from being at any public place in the city at the times that the minor would have been required to be in attendance at school had he or she not been suspended or expelled.

Section 5. Defenses.

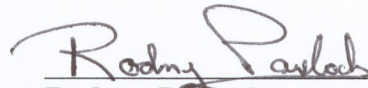
- a. It is a defense to prosecution under this ordinance that:
 1. The minor was accompanied by his or her parent or guardian; or
 2. The minor was accompanied by an adult selected by the parent or legal guardian to supervise the minor; or
 3. The minor was on an errand made necessary by emergency; or

4. The minor was attending or was traveling to or from a school, religious, civic, charitable or other recreational activity supervised by adults and sponsored by such entity taking responsibility for the minor; or
5. The minor is married or had disabilities of minority removed in accordance with the Texas Family Code; or
6. The minor was not required by law to be in attendance at the school in which the minor is enrolled; or
7. The minor has been directed by his or her parent or legal guardian, or an adult selected by the parent or legal guardian to supervise the minor, to engage in a specific activity or to carry out express instructions, during the time the minor is actually engaged in fulfilling those directions or responsibilities.

Section 6. Penalties.

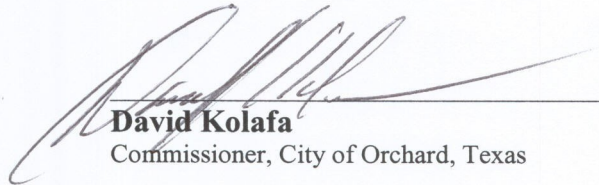
- a. Any minor or person, including the minor's parents, legal guardian or adult selected by the parent or legal guardian to supervise the minor, who violates the provisions in this ordinance shall be guilty of a class C misdemeanor and shall be assessed a fine not to exceed \$500.00

PASSED and APPROVED this 10th day of March, 2010.



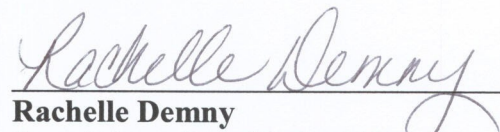
Rodney Paylock

Mayor, City of Orchard, Texas



David Kolafa


Commissioner, City of Orchard, Texas



Rachelle Demny

Commissioner, City of Orchard, Texas

ATTEST:



Merry Sue Hajdik

City Secretary, City of Orchard, Texas