

Division 2. Curfew[†]

Sec. 8.02.031 Definitions

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

Legal guardian. Any person to whom custody of a minor has been given by a court order.

Minor. Any person less than seventeen (17) years of age and over nine (9) years of age.

Parent. 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, by a court order, or by the court appointed guardian to have the care and custody of a person.

Public place. 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.

(Ordinance adopting 2008 Code; 2008 Code, sec. 8.02.031; Ordinance 14-022 adopted 10/13/14; Ordinance 2018-17 adopted 2/6/18)

Sec. 8.02.032 Offenses

(a) It shall be unlawful for a minor to purposefully remain, walk, run, stand, drive or ride about in or upon any public place in the city between the hours of ~~11:00 p.m.~~ 12:00 a.m. and 6:00 a.m., unaccompanied by a parent or legal guardian.

~~(b) It shall be unlawful for a minor to purposefully remain, walk, run, stand, drive or ride about in or upon any public place in the city between the hours of 9:00 a.m. and 3:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday on school days only, unaccompanied by a parent or legal guardian.~~

(c) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in subsections (a) and (b).

(Ordinance adopting 2008 Code; 2008 Code, sec. 8.02.032; Ordinance 14-022 adopted 10/13/14; Ordinance 2018-17 adopted 2/6/18)

Sec. 8.02.033 Defenses

It is a defense to prosecution under [section 8.02.032](#) of this division that:

- (1) The minor was accompanied by his or her parent, legal guardian or another adult approved by the parents;
- (2) The minor was on an emergency errand directed by his or her parent or legal guardian;
- (3) The minor was attending a school, government sponsored, or religious activity or was going to or coming from a school, religious, or government sponsored activity without detour or stop;
- (4) The minor was engaged in a lawful employment or volunteer work at a recognized charity institution or was going to or coming from such activity without detour or stop;
- (5) The minor was on the sidewalk of the place where such minor resides or on the sidewalk of a place where the minor had permission from his or her parent or legal guardian to be;
- (6) The minor was in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through the curfew area was the most direct route;
- (7) The minor was exercising his or her First Amendment rights protected by the United States or Texas Constitution, including, but not limited to the free exercise of religion, freedom of speech, and freedom of assembly;
- (8) The minor is married or had been married or had disabilities of minority removed in accordance with V.T.C.A., Family Code chapter 31;
- (9) With respect to [section 8.02.032\(b\)](#) of this division, that the offense occurred during the scheduled vacation of or on a holiday observed by the school in which the minor was enrolled; or that the minor had graduated from high school or received a high school equivalency certificate; or that the minor had

permission to be absent from school or be in a public place from an authorized school official. In the case of a minor being educated in a home school, a parent shall be deemed a school official.

(Ordinance adopting 2008 Code; 2008 Code, sec. 8.02.033; Ordinance 14-022 adopted 10/13/14; Ordinance 2018-17 adopted 2/6/18)

Sec. 8.02.034 Enforcement

(a) Any peace officer, upon finding a minor in violation of [section 8.02.032](#) of this division, shall determine the name and address of the minor, and the name and address of his or her parent(s) or legal guardian(s) and may issue a warning notice or a citation.

(1) Upon issuance of a warning notice, the notice shall be forwarded to the city's police department, which shall send a letter to the parent(s) or legal guardian(s) of the minor advising of the fact that the minor was found in violation of this division and soliciting cooperation in the future.

(2) Upon issuance of a citation, the peace officer may transfer the case to proper authorities for handling under the provisions of V.T.C.A., Family Code title 3. In addition, a complaint will be filed against the parent(s) or legal guardian(s) in municipal court for violation of [section 8.02.032\(c\)](#). The police department shall file all necessary legal papers, supply all necessary documentation, and provide necessary testimony as required for pursuing the violation of this Division by either the minor or by any parent(s) or legal guardian(s).

(b) Any peace officer, upon finding a minor in violation of [section 8.02.032](#) that has previously been issued a warning or citation as provided for in subsection (a) above, shall transfer the case to proper authorities for handling under the provisions of V.T.C.A., Family Code title 3. In addition, a complaint will be filed against the minor and any parent(s) or legal guardian(s) in municipal court for violation of [sections 8.02.032\(b\)](#) and (c) hereof. The police department shall file all necessary legal papers, supply all necessary documentation, and provide necessary testimony as required for pursuing violation of this division by either the minor or by any parent(s) or guardian(s).

(c) In addition to the issuance of a warning notice or citation, the city's police department may schedule a person to person conference with the parent(s) or guardian(s) of the minor and the minor concerning this curfew and the city's expectation and requirement for parental control.

(Ordinance adopting 2008 Code; 2008 Code, sec. 8.02.034; Ordinance 14-022 adopted 10/13/14; Ordinance 2018-17 adopted 2/6/18)

Sec. 8.02.035 Penalties

(a) Any minor violating the provisions of this division 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 V.T.C.A., Family Code title 3 and other applicable law.

(b) Parent(s) or legal guardian(s) of a minor violating this division shall be guilty of a misdemeanor, which shall be punishable by a fine of not less than fifty dollars (\$50.00) and no more than five hundred dollars (\$500.00).

(c) In assessing punishment for either any parent(s), legal guardian(s) or a minor, the municipal court judges are encouraged to consider the community service program.

(Ordinance adopting 2008 Code; 2008 Code, sec. 8.02.035; Ordinance 14-022 adopted 10/13/14; Ordinance adopting 2017 Code; Ordinance 2018-17 adopted 2/6/18)