

ORDINANCE NO. 4422

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, TO CONTINUE THE JUVENILE CURFEW ORDINANCE, SECTION 13-122 OF THE CODE OF ORDINANCES; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance No. 2984-A on July 25, 1994, a Juvenile Curfew Ordinance codified at Section 13-122 of the Code of Ordinances of the City of Richardson, Texas; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires the City Council, before the third anniversary of the date of adoption of the Juvenile Curfew Ordinance, and every third year thereafter, to review the Ordinance's effects on the community and on problems the Ordinance was intended to remedy, to conduct public hearings on the need to continue the Ordinance, and to abolish, continue, or modify the Ordinance; and

WHEREAS, the City Council has continued and re-adopted said Ordinance for additional three-year periods since its adoption; and

WHEREAS, the Chief of Police briefed the City Council regarding the Ordinance's effects on the community and on problems the Ordinance was intended to remedy; and

WHEREAS, the City Council has conducted a public hearing on the need to continue the Juvenile Curfew Ordinance; and

WHEREAS, based upon the Ordinance's effects on the community and on the problems the Ordinance was intended to remedy, and after conducting a public hearing, the City Council finds that it is in the best interest, health, safety and welfare of the City to continue the Juvenile Curfew Ordinance;

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

SECTION 1. That, in accordance with Section 370.002 of the Texas Local Government Code, the City Council has reviewed Section 13-122 of the Code of Ordinances, the Juvenile Curfew Ordinance and its effects on the community and on the problems the Ordinance was intended to remedy; and after conducting public hearings on the need to continue the Ordinance,

finds that it is in the best interest of the health, safety and welfare of the City of Richardson, Texas, to continue the Juvenile Curfew Ordinance, Section 13-122 of the Code of Ordinances.

SECTION 2. That Section 13-122 of the Code of Ordinances of the City of Richardson, Texas (Juvenile Curfew Ordinance), be, and the same is hereby re-adopted to read as follows:

"Sec. 13-122. Curfew hours for minors.

(a) *Definitions.* In this section:

(1) *Curfew hours* means:

- a. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
- b. 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

(2) *Emergency* means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) *Establishment* means any 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.

(4) *Guardian* means:

- a. A person who, under court order, is the guardian of the person of a minor; or
- b. A public or private agency with whom a minor has been placed by a court.

(5) *Minor* means any person under 17 years of age.

(6) *Operator* means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(7) *Parent* means a person who is:

- a. A natural parent, adoptive parent, or step-parent of another person; or
 - b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
 - (8) *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.
 - (9) *Remain* means to:
 - a. Linger or stay; or
 - b. 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.
 - (10) *Serious bodily injury* means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- (b) *Offenses.*
- (1) A minor commits an offense if such person remains in any public place or on the premises of any establishment within the city during curfew hours.
 - (2) A parent or guardian of a minor commits an offense if such person knowingly permits, or by insufficient control allows the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
 - (3) The owner, operator or any employee of an establishment commits an offense if such owner, operator or any employee of an establishment knowingly allows a minor to remain upon the premises of the establishment during curfew hours.
- (c) *Defenses.*
- (1) It is a defense to prosecution under subsection (b) that the minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;

- c. In a motor vehicle involved in interstate travel;
- d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- e. Involved in an emergency;
- f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- g. Attending a recreational or social activity supervised by adults who take responsibility for the minors; and, sponsored by a school, the city, or a nonprofit organization that sponsors or provides recreational or social activities for minors; or, going to and returning home therefrom without any detour or stop;
- h. Attending a religious service, activity, or a recreational or social activity sponsored or provided by a religious organization, or going to and returning therefrom without any detour or stop;
- i. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- j. Married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code, as amended or successor statute.

(2) It is a defense to prosecution under subsection (b)(3) 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.

(d) *Enforcement.* Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (c) is present.

(e) *Penalties.*

(1) A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is

committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.

- (2) When required by section 51.08 of the Texas Family Code, as amended, or successor statute, the municipal court shall waive original jurisdiction over a minor who violates subsection (b)(1) of this section and shall refer the minor to juvenile court.”

SECTION 3. That all provisions of the ordinances of the City of Richardson, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson, Texas, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense; and each and every day such violation shall be deemed to constitute a separate offense.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Richardson, Texas on this the 11th day of April, 2022.



APPROVED:


MAYOR

APPROVED AS TO FORM:


CITY ATTORNEY
(PGS:4-7-22:TM 128931)

DULY RECORDED:


CITY SECRETARY

