

ORDINANCE NO. 568-F-2022

AN ORDINANCE READOPTING A CURFEW FOR MINORS UNDER SEVENTEEN YEARS OF AGE TO PROHIBIT BEING IN ANY PUBLIC PLACE BETWEEN THE HOURS OF MIDNIGHT AND 6:00 A.M.; PROVIDING AN ENFORCEMENT PROCEDURE; ESTABLISHING CRIMINAL PENALTIES FOR MINORS AND FOR PARENTS OF MINORS AND ADOPTING CERTAIN EXCEPTIONS, SUPERSEDING ORDINANCE 568-E-2019; AND AMENDING ARTICLE V: CURFEW FOR MINORS, SECTION 2-7-60 THRU SECTION 2-7-63 OF THE UNIVERSAL CITY CODE OF ORDINANCES ACCORDINGLY.

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WHEREAS, the City Council has determined that after the passage of Ordinance 568, passed on March 2, 2004, that there was a decrease in juvenile violence, juvenile gang activity and a decrease in crime by persons under the age of seventeen in the City of Universal City because of the enforcement of Ordinance 568 and it is in the best interest of the citizens to continue said curfew; and,

WHEREAS, persons under the age of seventeen are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and,

WHEREAS, the City of Universal City has an obligation to provide for the protection of minors, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities; and,

WHEREAS, it is believed that a curfew for those under seventeen years of age will be in the interest of public health, safety, and general welfare, and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Universal City.

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

SECTION 1. Definitions:

- (a) "Minor" shall mean any unemancipated person under seventeen years of age;
- (b) "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 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;
- (c) "Guardian" shall mean any person to whom custody of a minor has been given by a court order;
- (d) "Emergency" shall include, but not be limited to, fire, natural disaster, an automobile accident, or obtaining immediate medical care for another person;
- (e) "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, apartments, houses, office buildings, transport facilities, parks, and shops.

SECTION 2. 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 of Universal City between the hours of 12:00 AM (midnight) and 6:00 AM.

(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 Sections 2 (a) and 2 (b) of this Ordinance.

### SECTION 3. Defenses:

It is a defense to prosecution under Section 2 of this Ordinance that:

- (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 an emergency errand;
- (d) 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;
- (e) The minor was engaged in lawful employment or volunteer work at a recognized charitable institution or was going to or coming from such activity without detour or stop;
- (f) The minor was on the sidewalk of the place where such minor resides or on the sidewalk of a place where the minor has permission from his/her parent or guardian to be or on the sidewalk of a next-door neighbor not communicating an objection to the police officer;
- (g) 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;
- (h) 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.
- (i)

### SECTION 4. Penalties:

- (a) Any minor violating the provisions of this Ordinance may be guilty of a Class "C" misdemeanor as defined in the Texas Penal Code and may be dealt with in accordance with the provisions of Title 3 of the Texas Family Code;
- (b) A parent of a minor violating this Ordinance may be guilty of a Class "C" misdemeanor, which may be punishable by a fine of not less than \$50.00 nor more than \$500.00;
- (c) In assessing punishment for either a parent or a minor, the Judge of the Municipal Court is encouraged to consider the community service program.

### SECTION 5. Severability:

It is declared to be the intention of the City Council that if any of the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City

Council without the incorporation in this Ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

SECTION 6: This Ordinance shall be construed shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7: It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8: **Effective Date.** This ordinance will take effect upon its passage, approval and publication as provided by law.

SECTION 9. This ordinance hereby supersedes Ordinance 568-E-2019.

SECTION 10: The Universal City Code of Ordinances, Article V: Curfew for Minors, Section 2-7-60, et seq., shall be amended accordingly.

**PASSED** on first reading by the City Council of the City of Universal City on this the 5th day of April 2022.

**PASSED AND APPROVED** in substantial form, on second reading by the City Council of the City of Universal City on this the 19<sup>th</sup> of April 2022.

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John Williams, Mayor

ATTEST:

APPROVED FOR LEGAL SUFFICIENCY:

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Kristin Mueller, City Clerk

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Megan R. Santee, City Attorney  
DENTON NAVARRO ROCHA BERNAL & ZECH, P.C.