

ORDINANCE NO. 1689

**AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 03-040 OF THE
ALAMOGORDO CODE OF ORDINANCES CONCERNING
CURFEW**

WHEREAS, the City Commission of the City of Alamogordo, New Mexico deems it necessary to amend Article 03-040 concerning curfew.

WHEREAS, the City Commission of the City of Alamogordo, New Mexico recognizes that the ordinances regarding curfew have not been updated since 1960.

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Chapter 11, Article 03-040 of the Code of Ordinances is repealed in part and amended in part.

11-03-040. – Curfew.

- (a) Restrictions. It shall be unlawful for any parent, guardian or any other person having care or custody of a minor under the age of eighteen (18) years, to permit or allow such minor to be upon any public thoroughfare or any public place without adequate supervision, on weekdays (Sunday through Thursday) from 11:00 p.m. to 6:00 a.m. and on weekends from 12:00 midnight to 6:00 a.m.
- (b) Exceptions. The restrictions mentioned above shall not apply to any minor who shall be accompanied by a parent, guardian, or adult acting with the authority of the parent or any minor upon any errand of necessity or in the performance of duty directed by any parent or guardian or other person acting with the authority of the parent or to any minor attending any school or church-sponsored event or to any minor coming from or going to work, or a minor with emancipated documentation.
- (c) Parent or guardian liable. It shall be the duty of peace officers to detain and investigate any minor found in violation of this section. Such officers shall thereupon notify the parent or guardian and such parent or guardian shall be deemed guilty of permitting a violation of this section.
- (d) Procedure when parent or guardian cannot be located. In the event that the parent or guardian cannot be located, the child shall be remanded to the custody of Child, Youth and Families Department (CYFD).

(e) Violation. Parent(s), legal guardian, or any other person having care or custody of a minor under the age of eighteen (18) years who violate this section will be given a warning on the first violation, and a \$500.00 fine on each subsequent violation.

PASSED, APPROVED AND ADOPTED this 9th day of

January, 2024.



ATTEST:

Rachel Hughs
Rachel Hughs, City Clerk

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: Susan L. Payne
Susan L. Payne, Mayor

APPROVED AS TO FORM:

Ashley Smith
Ashley Smith, City Attorney

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