

ORDINANCE 10-06

It shall be unlawful for any minor sixteen (16) years of age or younger to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, shopping centers, or other public places, public buildings, places of amusement, eating places, vacant lots or any other place unsupervised by an adult having the lawful authority to be at such places, between the hours of 10:00 p.m. on any day and 5:00 a.m. of the following day; however, that on Fridays and Saturdays, the effective hours are between 12:00 a.m. and 5:00 a.m. the following day. It shall be unlawful for any minor seventeen (17) years of age or younger to loiter, wander, stroll or play in or upon the streets, highways, roads, alleys, parks, playgrounds, shopping centers, or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots, or any other place unsupervised by an adult having the lawful custody and authority to be in such places, between the hours of 12:00 a.m. on an day and 5:00 a.m. the following day including Saturdays and Sundays; and provided that the following provisions of this section shall not apply in the following instances:

- (a) When a minor is accompanied by his or her parent, guardian, or other adult person having the lawful care and custody of the minor;
- (b) When the minor is upon an emergency errand directed by their parent or guardian or adult person having the lawful care and custody of such minor;
- (c) When the minor is returning directly home from a school activity or lawful employment that make it necessary to be in the above referenced places during the prescribed period of time;
- (d) Married or has been married or has disabilities of minority removed in Accordance with Chapter 31 of the Texas Family Code.

It shall be unlawful for the parent, guardian, or other person having custody or control of any minor sixteen (16) years of age or younger to permit, or by insufficient control, to allow, such minor to be in or upon the public streets or any other places listed previously within the city between the hours of 10:00 p.m. on any day and 5:00 a.m. the following day, except in circumstances set out in subsections (a) through (c) of this section; and on Fridays and Saturdays between the hours of 12:00 a.m. and 5:00 a.m. of the following day. It shall be unlawful for the parent, guardian, or other person having custody or control, to allow such minor to be in or upon the public streets or any other places listed previously within the city between the hours of 12:00 a.m. on any day including Saturdays or Sundays and 5:00 a.m. of the following day. The police department shall enact rules and operational procedures to track violations and notifications of parents.

Upon the first offense of a minor in violation of Texas Local Government Code section 370.002, the officer will issue a written warning to the minor, and he or she will be immediately returned home by a direct route. The minor's parents and/or guardians will be notified by certified mail, return receipt requested, via telephone, or in person.

The second offense will result in a complaint being filed in Newton Municipal Court against the minor and upon a finding of guilty may be punished by a fine not to exceed \$500.00.

The third and subsequent offenses, the minor will again be filed on in Newton Municipal Court. The cumulative violations will be forwarded to Juvenile Probation , for additional actions in accordance with Chapters 51 and 52 of the Texas Family Code.

On the third and subsequent offenses within a 12 month period, a minor's parent and/or guardian and/or custodian may be file on in Newton Municipal Court, and upon a finding of Guilty the parent/ guardian/and/or custodian may be punished by a fine not to exceed \$500.00. This warning shall be documented by the officers and maintained and stored at the Newton Police Department located at Newton City Hall.. On the second or subsequent offenses, a municipal jail for not more than sixty (60) days, or be subject to any one (1) punishment; subject to all limitations contained in the charter of the city.

Each violation of this section shall constitute a separate offense.

The purpose of the curfew ordinance is to protect the welfare of the children by:

- Reducing the likelihood that children will be the victims of, or involved in criminal acts during the curfew hours;
- Encouraging children to remain in school; and
- Aiding parents, guardians, custodians, or other responsible persons in carrying out their responsibility to exercise reasonable supervision of the children entrusted to their care.

I, _____, Mayor Pro Tem of the City of Newton, Texas,

HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance

Adopted by the City Council on the _____ day of _____, 2010.

Mayor Pro Tem
Mark Bean

I, _____, City Secretary of the City of Newton, Texas,

HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance

Adopted by the City Council on the _____ day of _____, 2010.

City Secretary
City of Newton, Texas

_____ 2010