

ORDINANCE #24-0003

AN ORDINANCE REPEALING ARTICLE 7.400, "CURFEW REGULATIONS" OF THE CODE OF ORDINANCES, CITY OF TRINITY, TEXAS DUE TO LOCAL GOVERNMENT CODE, TITLE 11 PUBLIC SAFETY, SUBTITLE C, CHAPTER 370, SECTION 370.007 JUVENILE CURFEWS PROHIBITED WHICH PROHIBITS A POLITICAL SUBDIVISION OF ADOPTING OR ENFORCING AN ORDER, ORDINANCE, OR OTHER MEASURE THAT IMPOSES A CURFEW TO REGULATE THE MOVEMENTS OR ACTIONS OF PERSONS YOUNGER THAN 18 YEARS OF AGE.

ARTICLE 7.4000 CURFEW REGULATIONS

Sec 7.401 Definition.

In this article:

- (1) *Curfew* hours means the hours between 11:00 0'clock p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 6:00 0'clock a.m. of the following day and the hours between 12:01 0'clock midnight on any Friday or Saturday and 6:00 0'clock a.m. of the following day. *Emergency* means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes a medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (2) *Establishment* means any privately owned place of business operated for profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.
- (3) *Guardian* means a person who, under court order, is the guardian of the person of a minor or a person or public or private agency with whom a minor has been placed by court.
- (4) *Minor* means any person under 17 years of age.
- (5) *Operator* means any person, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members and partners of an association or partnership and the officers of a corporation.
- (6) *Parent means:*
 - (A) A person who is a natural parent, adoptive parent or step-parent of a minor, or
 - (B) A person who is at least 18 years of age and is authorized by a natural parent, adoptive parent, stepparent or guardian of a minor to have the care and custody of a minor.
- (7) *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, parks and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
- (8) *Premises* means a building, a portion of a building or a private driveway, street, sidewalk, walkway, parking lot, parking garage or other private parking area.
- (9) *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.

Sec. 7.402 Offense.

(a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city limits of Trinity, Texas during curfew hours.

(b) A parent or guardian of a minor commits an offense if he 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.

(c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 7.403. Defenses.

(a) It is a defense to prosecution under subsection 7.402(a) that the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand made necessary by an illness, injury or emergency;
- (3) On an errand at the direction of the minor's parent or guardian without any detour or stop;
- (4) In a motor vehicle involved in interstate, intercity or inter-county travel;
- (5) Involved in an emergency;
- (6) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (7) On the sidewalk abutting the residence of the minor's next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (8) Attending an official school, religious, or other recreational activity supervised by adults or the City of Trinity, a civic organization or other similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Trinity, a civic organization, or other similar entity that takes responsibility for the minor;
- (9) Exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech, and the right of assembly; or married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(b) It is a defense to prosecution under subsection 7.402(c) that the owner, operator, or employee of an establishment directed the minor to leave the establishment and promptly thereafter notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec 7.404 Enforcement

Before taking any enforcement action under this article, 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 under Section 7.403 is applicable.

Sec. 7.405 Penalty.

(a) A person who violates a provision of this article is guilty of a separate offense for each day or part of a day during which the violation was committed.

(b) Each offense, upon conviction, is punishable by a fine in accordance with the general penalty provision found in Section 1.106 of this code.

Sec. 7.406 Review of ordinance.

Before the third anniversary of the date of the adoption of this juvenile curfew ordinance by the City of Trinity, Texas, and every third year thereafter, the city council shall:

- (1) Review this ordinance's effects on the community and on problems the ordinance was intended to remedy;
- (2) Conduct public hearings on the need to continue this ordinance; and
- (3) Abolish, continue or modify this article.

(Ord. No. 98-0113, 10-8-98)

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF TRINITY, TEXAS,
THAT:** The City of Trinity, Texas, Mayor and Council repeals this Ordinance.

PASSED AND APPROVED ON August 8, 2024.

A handwritten signature in cursive script, reading "Billy Goodin", written over a horizontal line.

Billy Goodin, Mayor

ATTEST:

A handwritten signature in cursive script, reading "Phillip Morrison", written over a horizontal line.

Phillip Morrison, Mayor Pro-Tem

LOCAL GOVERNMENT CODE

TITLE 11. PUBLIC SAFETY

SUBTITLE C. PUBLIC SAFETY PROVISIONS APPLYING TO MORE THAN ONE TYPE
OF LOCAL GOVERNMENT

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO HEALTH AND PUBLIC
SAFETY OF MORE THAN ONE TYPE OF LOCAL GOVERNMENT

Sec. 370.007. JUVENILE CURFEWS PROHIBITED.

(a) Notwithstanding any other law, a political subdivision may not adopt or enforce an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age.

(b) This section does not apply to a curfew implemented under Chapter 418, Government Code, for purposes of emergency management.

Added by Acts 2023, 88th Leg., R.S., Ch. 425 (H.B. 1819), Sec. 6, eff. September 1, 2023.