

**CITY OF THORNDALE  
ORDINANCE NO. 2019-01**

**AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS IN THE CITY OF THORNDALE; DEFINING OFFENSES FOR MINORS, PARENTS OF MINORS AND BUSINESS ESTABLISHMENTS VIOLATING THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$500.00 FOR VIOLATION HEREOF; PROVIDING FOR SEVERABILITY; REPEALING ALL CONFLICTING ORDINANCE TO THE EXTENT OF SUCH CONFLICT AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS:**

1. The City Council has reviewed evidence presented by the City of Thorndale Police Department and has determined that there is compelling need to protect all persons and specifically those who are minors, under the age of seventeen in the City of Thorndale.
2. The City council believes that persons under the age of seventeen are particularly susceptible to unlawful and gang related activities and to be victims of older perpetrators of crime.
3. The City of Thorndale has a compelling interest in providing for the protection of minors from each other and from other persons, the enforcement of parental control of and responsibility for their children, the protection of the general public and the reduction of the incidence of juvenile involvement in criminal activities.
4. The City Council believes that a curfew for persons under seventeen years of age will be in the interest of the public health, safety, and general welfare, and will help to attain the foregoing objectives.

**BE IT ORDAINED BY THE CITY OF THORNDALE:**

(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 Friday or Saturday.

(C) 9:00 a.m. until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday while school is in session.

**(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 he 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 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.(3) 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.

(c) Defenses.

(1) It is a defense to prosecution under Subsection (b) that the minor was:

(A) accompanied by the minors parent or guardian;

(B) on an errand at the direction of the minors 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 minors residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minors presence;

(G) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Thorndale, a civic organization, or another 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 Thorndale, a civic organization, or another similar entity that takes responsibility for the minor;

(H) 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

(I) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(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.

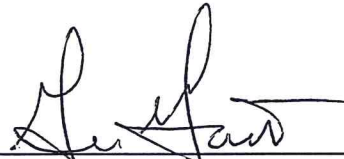
Before taking any enforcement action under this section, a police officer shall ask the apparent offenders age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and 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 chapter 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.

**PASSED AND APPROVED** this the 14th day of August, 2019.

**APPROVED**

  
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George Galbreath Jr., Mayor

**ATTEST:**

  
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Stacy Irwin, City Secretary