

**CITY OF HASLET  
ORDINANCE NO. 016-2017**

**AN ORDINANCE PROVIDING THAT ARTICLE 8.06 "CURFEW FOR MINORS" OF THE HASLET CODE OF ORDINANCES, AS AMENDED, SHALL CONTINUE IN FULL FORCE AND EFFECT IN ACCORDANCE WITH SECTION 370.002 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Haslet, Texas is a Type A general-law municipality located in Tarrant and Denton Counties, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council of the City of Haslet having previously adopted a juvenile curfew ordinance as codified in Article 8.06 of the Code of Ordinances; and

**WHEREAS**, Section 370.002 of the Texas Local Government Code provides that before the third anniversary of the date of the adoption of a juvenile curfew ordinance, and every third year thereafter, the governing body of the municipality shall:

- (1) review the ordinance's effect on the community and on problems the ordinance was intended to remedy;
- (2) conduct public hearings on the need to continue the ordinance; and
- (3) abolish, continue or modify the ordinance; and

**WHEREAS**, the City Council has reviewed these juvenile curfew regulations and their effects on the community and on the problems the ordinance was intended to remedy; and

**WHEREAS**, the City Council conducted a public hearing on June 5, 2017 on the need to continue the ordinance; and

**WHEREAS**, the City Council hereby finds, determines and declares that Article 8.06 has a positive effect on the community and on problems that the curfew hours for minors are intended to remedy, and that Article 8.06 should continue in full force and effect.

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

**SECTION 1.**

That Article 8.06 "Curfew for Minors" of the Code of Ordinances of the City of Haslet, is

hereby continued in full force and effect in accordance with the provisions of Section 370.002 of the Texas Local Government Code.

**SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Haslet, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 3.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality 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 phrase, clause sentence, paragraph or section.

**SECTION 4.**

This ordinance shall be in full force and effect after its passage, and it is so ordained.

**PASSED AND APPROVED ON THIS 5<sup>th</sup> DAY OF JUNE, 2017.**



*Bob Golden*  
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MAYOR BOB GOLDEN

*Dianna Buchanan*  
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CITY SECRETARY DIANNA BUCHANAN

schools, hospitals, apartment houses, office buildings, transportation facilities, commercial shopping centers, and shops.

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- (1) Linger or stay; or

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| ARTICLE 8.06 CURFEW FOR MINORS |
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**(2) Fail to leave premises when requested to do so by an officer or the owner, operator, or other person in control of the premises.**

**Sec. 8.06.002 Offenses**

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

(b) A parent or guardian of a minor commits an offense if the parent or guardian 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 the owner, operator, or employee knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

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**Sec. 8.06.003 Defenses**

(a) It is a defense to prosecution under this article that the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in, going to, or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On a sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(7) Attending, 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, a civic organization, a school district or another similar entity that takes responsibility for the minor;

(8) 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

(9) 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 this article 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.

**ARTICLE 8.06 CURFEW FOR MINORS**

**Sec. 8.06.004 Enforcement**

(a) Before taking any enforcement action under this article, the 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 this article is present.

(b) When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates section 8.06.002(a) of this article and shall refer the minor to juvenile court.

**ARTICLE 8.06 CURFEW FOR MINORS**

**Sec. 8.06.005 Readoption**

In accordance with section 370.002 of the Texas Local Government Code, before the third anniversary of the adoption of this curfew for minors and every third year thereafter, if it is continued to be required by state law, the city council shall review the regulations contained herein and conduct a public hearing on the need to continue, abolish, or modify this article.

(Ordinance 0601-08 adopted 6/2/08; Ordinance 017-2013 adopted 9/16/13)