

RESOLUTION OF FISHER COUNTY, TEXAS ESTABLISHING A CURFEW

WHEREAS, the Commissioners Court of Fisher County, Texas, has determined that there is a need for a curfew ordinance for Fisher County for those under the age of 18 is in the best interest of the public health, safety, and general welfare.

NOW, THEREFORE, BE IT ORDAINED by Fisher County that:

Section 1. Curfew Area – This Ordinance shall apply to Fisher County, Texas.

Section 2. Curfew Hours – It is unlawful for any juvenile under the age of 18 years of age to be upon the streets, sidewalks, or out in any public place during the hours of 12:00 a.m. to 6:00 a.m.

Section 3. Parents/Guardians Responsibility – It is unlawful for the parent(s), guardian(s), or other adult person(s) having the care, custody or supervision of a juvenile(s) to permit the juvenile(s) to be upon the streets, sidewalks, or out in any public place within the curfew area and away from the dwelling, house or usual place of abode of the juvenile(s) during curfew hours.

Section 4. Defenses to Prosecution

- a. A person who is married and sixteen (16) years of age or over, or in the military.
- b. When the juvenile(s) is accompanied by the parent(s), guardian(s), or other adult person(s) having the care, custody or supervision of the juvenile(s).
- c. When the juvenile(s) is on reasonable, legitimate, and specific family business or while participating in an organized and bona fide school or community activity directed or permitted by the parent(s), guardian(s), or other adult person(s) have the care, custody or supervision of the juvenile(s).
- d. When the juvenile(s) is involved in an emergency.
- e. With prior permission of the parent(s), guardian(s), or other adult person(s) having the care, custody or supervision of the juvenile(s) is engaged in a reasonable and legitimate exercise of the First Amendment rights protected by the U. S. Constitution.
- f. With prior permission of the parent(s), guardian(s), or other adult person(s) have the care, custody or supervision of the juvenile(s) is in an employment activity, or going to, or returning home by the most direct route from an employment activity without detour or stop.

Section 5. Ignorance. Not a Defense – It shall not constitute a defense that the parent(s), guardian(s), or other adult person(s) have the care, custody or supervision of the juvenile(s) did not have actual knowledge of the presence of the juvenile(s) upon the streets, sidewalks, or out in an public place within the County and away from the dwelling, house, or

usual place of abode of the juvenile(s), if the parent(s), guardian(s), or other adult person(s) have the care, custody or supervision of the juvenile(s) in the exercise of reasonable care and diligence, should have known of the aforementioned unlawful acts of the juvenile(s).

Section 6. Parent(s) or Guardian(s) Duties Upon Demand for Custody – In addition to any other power he/she may have, any law enforcement officer who arrests or detains a juvenile(s) for violation of any of the provisions of this Ordinance also empowered to demand the parent(s), guardian(s), or other adult person(s) have the care, custody or supervision of the juvenile(s) take the juvenile(s) into their custody. If the parent(s), guardian(s), or other adult person(s) have the care, custody or supervision of the juvenile(s) fails to respond and take custody or is unavailable, the officer shall then be empowered to take the juvenile(s) home; provided however, it shall be unlawful for any parent(s), guardian(s), or other adult person(s) have the care, custody or supervision of the juvenile(s) to willfully fail or refuses to take the juvenile(s) into custody after such demand is made upon said person(s).

Section 7. Penalties – Any juvenile or adult found guilty of violating any provision of this Ordinance shall be guilty of a Class C misdemeanor punishable of a fine not to exceed \$500.00.

This Ordinance shall be in full force and effective immediately after its passage and approval in accordance with the laws of the State of Texas.

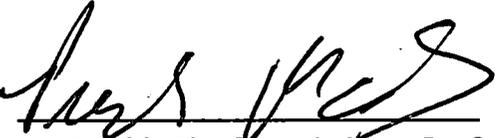
PASSED AND ADOPTED BY THE COUNTY OF FISHER ON THIS THE 12th DAY OF OCTOBER, 2021.



Gordon Pippin, Commissioner Pct 1



Dexter Elrod, Commissioner Pct 2



Preston Martin, Commissioner Pct 3



Kevin Stuart, Commissioner Pct 4



Ken Holt, Fisher County Judge