

Ordinance-Curfew by Parents

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A BILL FOR AN ORDINANCE
ORDINANCE NO. 95-2

AN ORDINANCE SETTING FORTH A COUNTY WIDE CURFEW INVOLVING MINORS; CURFEW VIOLATIONS BY PARENTS, GUARDIANS OR OTHER PERSONS HAVING LEGAL CUSTODY OR CARE, PENALTY PROVISIONS, AND ENFORCEMENT PROVISIONS OF CURFEW VIOLATIONS FOR UNINCORPORATED ARAPAHOE COUNTY

WHEREAS, pursuant to Section 30-15-401, C.R.S. the Board of County Commissioners of Arapahoe County has the power to adopt ordinances for control of those matters of purely local concern; and

WHEREAS, pursuant to section 30-15-401 (1) (b), (1) (d), and (1) (d.5), C.R.S. matters of purely local concern include the prevention and suppression of riots, routs, affrays, disturbances and disorderly assemblies in any public or private place; the restraining and punishing of loiterers; and to discourage juvenile delinquency through the imposition of curfews applicable to juveniles and the restraint and punishment of loitering by juveniles; and

WHEREAS, it has come to the attention of the Board of County Commissioners of Arapahoe County, that residents have experienced problems with juvenile loiterers and disturbances and vandalism caused by juveniles; and,

WHEREAS, it is the opinion of the Board of County Commissioners of Arapahoe County that in order to preserve the public peace, health, safety, and welfare of the citizens of Arapahoe County, they should take the following action.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Arapahoe County, the following:

Section I. VIOLATIONS INVOLVING MINORS BY PARENTS, GUARDIANS, OR OTHER PERSONS HAVING LEGAL CUSTODY OR CARE

It is unlawful, and a strict liability offense, for any parent, guardian, or other person, having legal care or custody of any juvenile who has not reached his or her eighteenth birthday, to fail to prevent such juvenile from being or remaining upon any street or alley, or from being or remaining in any establishment open to the public, in the unincorporated area of Arapahoe County after the hour of 11:00 o'clock P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, or after the hour of 12:00 o'clock midnight on any Friday, Saturday, or any day

immediately preceding an official State holiday, or before the hour of 5:00 o'clock A.M. on any day, except when such juvenile is:

Accompanied by a parent, guardian, or adult person who had reached his or her twenty-first birthday, who has the legal care or custody of such juvenile; or

Accompanied by a person who has reached his or her eighteenth birthday, when such person has in his or her possession at the time of contact by a peace officer a prior written care or custody consent from the juvenile's parent, guardian, or other person having legal care or custody of such juvenile.

The following affirmative defenses may be raised by the defendant by the presentation of some credible evidence supporting the defense claimed. The guilt of the defendant must then be established beyond a reasonable doubt as to the defense raised as well as to all other elements of the offense.

At the time of violation, the juvenile was:

Legally emancipated; or

Engaged in an activity necessary to lawful employment, or traveling directly to or from the juvenile's home for a lawful employment purpose; or

Traveling directly to or from the juvenile's home for a school activity purposes, when such activity was authorized by school officials, and when the juvenile had the consent to attend such activity from a parent or guardian who had the legal care or custody of such juvenile; or

Engaged in an activity necessary to assist in an emergency involving a person's illness, injury, or death, or engaged in an activity necessary to prevent damage to property, when such property has a value of more than one-hundred dollars; and

Traveling directly to or from the juvenile's home for a religious activity purpose, when the juvenile had the consent to attend such activity from a parent or guardian who had the legal care or custody of such juvenile; or

Traveling in a motor vehicle throughout Arapahoe County, Colorado while engaged in lawful intrastate or interstate travel, with the consent of a parent or guardian who had the legal care or custody of such juvenile; or

Prevented from complying with this ordinance by circumstances beyond the control of such juvenile.

Reported as a missing person, runaway, or juvenile out of control, when such report was made prior to the juvenile's violation, by a parent, guardian, or other person having legal care or custody of such juvenile. For the purposes of this subsection, a juvenile qualifies as out of control only after diligent good faith efforts to prevent violations of this Curfew Ordinance have been made by the reporting parent,

guardian, or other person having legal care or custody of such juvenile.

Section II. VIOLATIONS

Any person who violates this ordinance commits a class 2 petty offense and upon conviction thereof, shall be punished by a fine of not more than three hundred dollars for each separate violation. The penalty assessment procedure provided in Section 16-2-201, C.R.S. may be followed by any arresting officer for any such violation.

Section III. ENFORCEMENT

The provisions of this ordinance shall be enforced by the Arapahoe County Sheriff.

Section IV. DISPOSITION OF FINES

All fines for violations of this ordinance shall be paid into the General Fund of Arapahoe County upon conviction.

Section V. SEVERABILITY

If any one or more of the provisions of this ordinance are determined by a court of law to be invalid, such determination shall not affect the validity of the remaining provisions of this ordinance.

Section VI. SAFETY CLAUSE

The ordinance shall take effect 30 days after publication. Upon the effective date of this Ordinance, Ordinance No. 80-2 is hereby superseded. This is necessary for the immediate preservation of the public safety and public health, due in part to the need to control activity subject to this ordinance as soon as possible.

BOARD OF COUNTY COMMISSIONERS

ARAPAHOE COUNTY, COLORADO

Thomas R. Eggert, Chairman

I, Donetta Davidson, Clerk and Recorder of Arapahoe County and Clerk to the Board of County Commissioners, do hereby attest and certify that the Ordinance was introduced, read and ordered published at a regular meeting of the Board of County Commissioners on the 8th day of August, 1995. At a public hearing held on the 30th day of August, 1995, the Ordinance was taken under advisement. The Ordinance was adopted, approved and ordered published as adopted on January 8, 1996.

ATTEST

Donetta Davidson, Clerk to the Board

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS

ARAPAHOE COUNTY, COLORADO

INTRODUCED, READ AND ORDERED PUBLISHED ON THE 8th day of August, 1995
at a regular meeting of the Board of County Commissioners.

Date of initial publication: August 17, 1995

TAKEN UNDER ADVISEMENT AFTER PUBLIC COMMENT AT A PUBLIC
HEARING HELD on the 30th day of August 1995.

ADOPTED APPROVED AND ORDERED PUBLISHED AS ADOPTED the 8th day of
January, 1996.

Date of publication after adoption: January 18, 1996

Donetta Davidson, Clerk to the Board SEAL