

**CITY OF COCKRELL HILL, TEXAS  
ORDINANCE NO. 2005-O**

**AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING SECTION 130.48, "ENFORCEMENT" OF THE CITY OF COCKRELL HILL CODE OF ORDINANCES CHAPTER 130 RELATING TO "CURFEW HOURS FOR MINORS;" PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING FOR THE CONTINUATION OF THE CURFEW ORDINANCE AS AMENDED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, persons under the age of seventeen (17) years are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

**WHEREAS**, the City Council of the City of Cockrell Hill adopted an ordinance to regulate the curfew of persons under the age of seventeen (17) years; and

**WHEREAS**, the City of Cockrell Hill City Council held a public hearing on July 26, 2005, as required by State law to determine if the ordinance has had an effect on the community and on problems the ordinance was intended to remedy; and

**WHEREAS**, the City Council determined that the former curfew ordinance required modification to allow for officer discretion in the issuance of warnings or citations, but otherwise the previous curfew ordinance had its intended effect of the problems the ordinance was intended to remedy, such as to decrease juvenile violence, juvenile gang activity, and crime by persons under the age of seventeen (17) years in the City of Cockrell Hill, Texas; and

**WHEREAS**, the City of Cockrell Hill has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public and for the reduction of the incidence of juvenile criminal activities; and

**WHEREAS**, the City Council has determined that the continuation of the curfew for those under the age of 17 years will be in the best interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Cockrell Hill; and

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

**SECTION 1.** All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** The Article entitled “Curfew Hours for Minors,” Section 130.48 of Chapter 130 is hereby amended and shall read as follows:

**“§ 130.48 ENFORCEMENT.**

(A) Before taking any enforcement action under this subchapter, a police officer shall ask the apparent offender's age, name and address, the name and address of his or her parent or guardian and the reason for being in the public place. The officer may issue a citation or make an arrest under this subchapter if the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in § 130.47 is present.

(B) The officer may issue a citation or a warning notice to the minor, who shall be ordered to go home by the most direct means and route. A copy of the citation or notice shall be forwarded to the Chief of Police or the Police Chief's designee, who shall send a letter to the parent or guardian of the minor advising of the fact that the minor was found in violation of this subchapter and soliciting cooperation in the future.

(C) If a police officer shall find a minor in violation of § 130.46, who has once previously been in violation and issued citations or warnings provided for in division (B) of this section, the officer shall again record the name and address of the minor and his or her parents or the guardians, may issue an additional citation or a second warning notice and direct the minor to go home by the most direct means and route. A copy of the second citation or notice shall be forwarded to the Chief of Police or the Police Chief's designee who shall schedule a person to person conference with the parent or guardian and the minor concerning this subchapter and the city's expectation and requirement for parental control.

(D) Any police officer, upon finding a minor in violation of § 130.46, who has twice previously been found in violation and issued citation or warnings as provided for in divisions (B) and (C) of this section, shall transfer the case to proper authorities for handling under the provisions of Title 3 of the Family Code. In addition, a complaint will be filed against the parents in municipal court for violation of § 130.46. The Police Department shall file all necessary legal papers, supply all necessary documentation and provide necessary testimony as required for pursuing violation of this subchapter by either the minor or by any parent or guardian.

(E) A police officer may take a minor into custody for violation of this subchapter, in accordance with the procedures set forth in § 130.49.”

**Section 3.** That all provisions of the Ordinances of the City of Cockrell Hill, Texas, in conflict with the provisions of this Ordinance be and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section 4.** If any section, article, paragraph, sentence clause, phrase or word in this


ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 5.** This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

**PASSED AND APPROVED** the 26 day of July, 2005.

  
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C. P. Slayton, Mayor

ATTEST:

  
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John Hubbard, City Administrator

APPROVED AS TO FORM:

  
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Robert F. Brown, City Attorney