



## Legislation Text

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File #: ORD-3388, Version: 1

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**Conduct a public hearing and consider adopting Ordinance No. 3388 continuing and readopting the curfew for minors, Article II of Chapter 46 of the Code of Ordinances of the City of Farmers Branch; and take appropriate action.**

### BACKGROUND:

Texas Government Code Section 370.002 requires a review and renewal of any existing curfew ordinance before the third anniversary of the date of adoption and every third year thereafter. The existing curfew Ordinance No. 3244 will expire November 1, 2016. In 1971, the Farmers Branch City Council adopted an ordinance establishing curfew hours for minors along with parental responsibility for contributing to the neglect or delinquency of minor children. In 1995, Ordinance No. 2217 was adopted to comply with legal standards on curfews set forth by rulings of the Federal courts. In 2004, Ordinance 2794 was adopted requiring a minor who is out during curfew hours to possess a note from his or her parent or guardian. It also added certain defenses to prosecution for businesses that allow a minor to stay on their property after curfew. Other changes added a severability clause allowing the ordinance to remain in effect in its entirety even if specific portions are found to be invalid or unconstitutional. In 2007, Ordinance No. 2937 was adopted to continue the provisions of the curfew and established a fine of no more than \$500 for violators of the ordinance. In 2010, Ordinance No. 3102 was adopted and in 2013, Ordinance No. 3244 was adopted to continue the provisions of the curfew.

### DISCUSSION:

The purpose of Ordinance No. 3388 is to continue and readopt the curfew on minors. The curfew hours are 11:00 p.m. to 6:00 a.m., Sunday through Thursday and 12:01 a.m. until 6:00 a.m. Saturday and Sunday for any person under 17 years old. The purpose of the curfew ordinance is to prevent underage child from committing crimes and from becoming the victims of crime. Ordinance 3244 has proven to have a positive effect on the community; it has authorized police officers to interview and detain minors who would have otherwise remained unsupervised during late night hours. Since 2013, there have been 20 citations issued for curfew violations. Two of these citations were issued against known gang members or their affiliates; 35% of the minors cited were habitual juvenile offenders. Not included in these numbers are the contacts made by officers when the juvenile was temporarily detained and released back to the parent or guardian without a citation. Since 2013, there have been 280 reported criminal offenses where the victim was a minor. Only 2 of those minors were out during the late night hours in violation of Ordinance No. 3244. Without the curfew ordinance, the unsupervised minors encountered by police officers would become potential victims of crime during the prohibited hours. Renewal of this ordinance provides the Farmers Branch Police with the tools to better protect our city by preventing underage children from being potential perpetrators or victims of crime during the prohibited hours.

### RECOMMENDATION:

City Administration recommends adopting Ordinance No. 3388 readopting the curfew for minors, Article II of Chapter 46 of the Code of Ordinances of the City of Farmers Branch.

POSSIBLE COUNCIL ACTION:

1. I move to close the Public Hearing and approve Ordinance No. 3388, as presented.
2. I move to close the Public Hearing and approve Ordinance No. 3388, with modifications.
3. I move to table the issue for further study or take no action.

ATTACHMENTS:

1. Ordinance No. 3388