

NOW THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF MONTGOMERY COUNTY, TEXAS:

ARTICLE I. CURFEW HOURS FOR MINORS

Sec. 1-1 Definitions.

In this Article:

(a) *Curfew hours* means:

- (1) 12:01 a.m. until 6:00 a.m. every day of the week, Monday through Sunday.

(b) *Civic organization* means:

- (1) a non-profit corporation or association formed for the use, benefit and enjoyment of its members to achieve religious, recreational, charitable, municipal and/or educational pursuits.

(c) *Emergency* means:

- (1) an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(d) *Establishment* means:

- (1) any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(e) *Guardian* means:

- (1) A person who, under court order, is the guardian of the person of a minor, and
- (2) A public or private agency with whom a minor has been placed by a court.

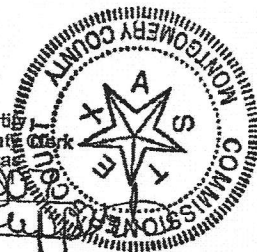
(f) *Minor* means:

- (1) any person under seventeen (17) years of age.

A true copy, I hereby certify  
MARK TURNBULL, County Clerk  
Montgomery County, Texas

Issued this

By



(g) *Operator* means:

- (1) any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(h) *Parent* means a person who is:

- (1) A natural parent, adoptive parent or step-parent of another person; or
- (2) At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

(i) *Public place* means:

- (1) Any place to which the public or a substantial group of the public has access and includes, but is not limited to streets, highways and the common areas of schools, hospitals, apartment house, office buildings, transport facilities and shops.

(j) *Remain* means to:

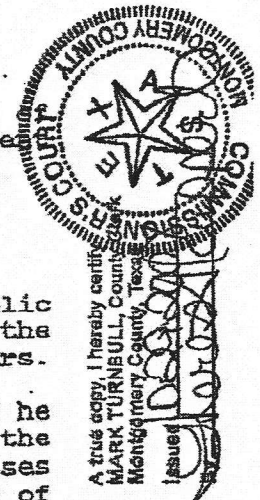
- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

(k) *Serious bodily injury* means:

- (1) Bodily injury that creates a substantial risk death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

## Sec. 1-2 Offenses.

- (a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the unincorporated areas of the county during curfew hours.
- (b) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the unincorporated areas of the county during curfew hours.
- (c) The owner, operator or any employee of an establishment within the unincorporated areas of the county commits an



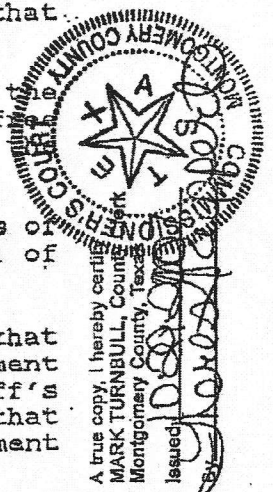
offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 1-3 Defenses.

(a) It is a defense to prosecution under Sec. 1-2 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 an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the 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 an official school, religious or other recreational activity supervised by adults and sponsored by Montgomery County, a civic organization or another similar entity that takes responsibility for the minor, or 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 Montgomery County, a civic organization 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 right of assembly, and
- (9) Married or have been married or had disabilities or minority removed in accordance with Chapter 31 of the Texas Family Code.

(b) It is a defense to prosecution under Section 1-2. (c) that the owner, operator or employee of an establishment promptly notified the Montgomery County Sheriff's Department, or the appropriate Constable's office, that a minor was present on the premises of the establishment during curfew hours and refused to leave.



Sec. 1-4 Enforcement

Before taking any enforcement action under this section, a police 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 in Section 1-3 is present.

Sec. 1-5 Penalties.

- (a) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).
- (b) When required by Section 51.08 of the Texas Family Code, as amended, the justice courts shall waive original jurisdiction over a minor who violates Sec. 1-2 of this Article and shall refer the minor to juvenile court.

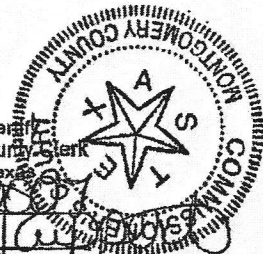
Sec. 2. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent such inconsistency of other ordinances regulating and governing the subject matter covered by this ordinance.

Sec. 3. If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such provisions of this ordinance or their application to other sets of circumstances and to this end all provision of this ordinance are declared to be severable.

A true copy, I hereby certify  
MARK TURNBULL, County Clerk  
Montgomery County, Texas

Issued

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*[Handwritten signature]*

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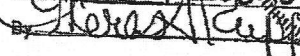
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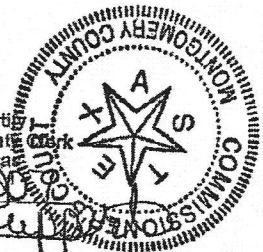
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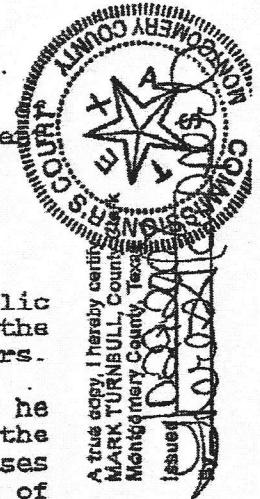
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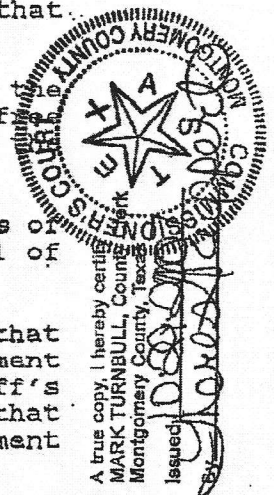
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