

YUMA COUNTY CURFEW ORDINANCE

ORDINANCE 96-02, CURFEW HOURS FOR MINORS
(COUNTY RESOLUTION NO. 96-41)

AN ORDINANCE FOR THE COUNTY OF YUMA, ARIZONA RELATING TO CURFEW HOURS FOR MINORS; ADOPTED PURSUANT TO A.R.S. • 11-251 AND • 11-251.05; PROVIDING FOR SEVERABILITY.

IN ORDER TO REDUCE JUVENILE CRIME, PROTECT THE CITIZENS OF THIS AREA, AND REINFORCE PARENTAL AUTHORITY, BE IT RESOLVED BY THE COUNTY OF YUMA, BY AND THROUGH THE YUMA COUNTY BOARD OF SUPERVISORS AS FOLLOWS:

• **96-02-1001. Definitions.**

In this Ordinance, unless the context otherwise requires:

1. "Adult" means a person of 18 years of age or older.
2. "County" means the County of Yuma, Arizona, and includes all unincorporated areas of the County of Yuma under the jurisdiction of the County of Yuma, and excludes all incorporated cities, towns and sovereign Indian nations located within the County.
3. "Emergency" means 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.
4. "Guardian" means a person who, under court order, is the guardian of the person of a minor or a public or private agency with whom a minor has been placed by a court.
5. "Insufficient control" means failure to exercise reasonable care and diligence in the supervision of the juvenile.
6. "Minor" means any person under eighteen years of age.
7. "Parent" means a person who is a natural parent, adoptive parent or step-parent of another person of at least eighteen years of age and authorized by a parent or guardian to have the care and custody of a minor.
8. "Remain" means to linger or stay or fail to leave premises when requested to do so by a law enforcement officer or the owner, operator or other person in control of the premises.

9. "Supervisory custody" means being held or kept under the supervision of an adult who is charged or directed by proper authority with holding or keeping a minor under supervision.

• **96-02-1002. Offenses.**

1. It is unlawful for any minor under the age of eighteen years to be or remain in, about, or upon any place in the County away from the dwelling house or usual place of abode of said minor between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
2. It is unlawful for a parent or guardian or an adult having supervisory custody of a minor to knowingly permit, or by insufficient control, allow a minor to violate • 96-02-1002 (1).

• **96-02-1003. Defenses.**

It is a defense to prosecution under • 96-02-1002 of this Ordinance that the minor was:

1. Accompanied by the minor's parent or guardian or an adult having supervisory custody.
2. With prior permission of the parent or guardian or an adult having supervisory custody, in a motor vehicle involved in interstate travel.
3. With prior permission of the parent or guardian, or an adult having supervisory custody, in an employment activity or going to or returning home from an employment activity without any detour or stop.
4. Involved in an emergency.
5. With prior permission of the parent or guardian or an adult having supervisory custody, attending an official school, religious or other recreational activity supervised by adults and sponsored by any school district, governmental entity, a civic organization or other 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 the school district, governmental entity, a civic organization or other similar entity that takes

responsibility for the minor.

6. With prior permission of the parent or guardian or an adult having supervisory custody, exercising the First Amendment right of free exercise of religion or freedom of speech protected by the United States Constitution.
7. With prior permission of the parent or guardian or an adult having supervisory custody, was engaged in reasonable, legitimate, and specific business and/or activity.
8. Married or had been married, or had disabilities of a minor removed, or emancipation ordered by a court of competent jurisdiction, or is at least 18 years of age.

• **96-02-1004. Enforcement.**

Before taking any enforcement action under this section, a peace 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 upon the circumstances, the minor's responses and minor's conduct, no defense as provided in • 96-02-1003 of this Ordinance is clearly present.

• **96-02-1005. Separate offense.**

Each violation of the provisions of • 96-02-1002 (1) and • 96-02-1002 (2) shall constitute a separate offense.

• **96-02-1005. Classification of offense.**

A person convicted of a violation of any provision of this Ordinance shall be guilty of a class 1 misdemeanor. This offense is designated an incorrigible offense for minors under the jurisdiction of the juvenile court.

• **96-02-1006. Severability.**

If any section, subsection, sentence, clause, phrase or

portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions thereof.

• **96-02-1007. Preservation of peace, health and safety.**

Whereas, it is necessary for the preservation of the peace, health and safety of the minors and residents of the County of Yuma, this ordinance shall become operative and in force from and after thirty days from the date of adoption by the County of Yuma, by and through the Yuma County Board of Supervisors.

ADOPTED by the County of Yuma, Arizona, by and through the Yuma County Board of Supervisors, sitting in regular session this 20th day of May, 1996.

COUNTY OF YUMA, ARIZONA

By:

Kathryn "Casey" Prochaska
Chairman
Yuma County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Yuma County Attorney

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