

**ORDINANCE 2014-01**

**AN ORDINANCE AMENDING ARTICLE 8.02 LA FERIA CODE OF ORDINANCES, ADOPTING A JUVENILE CURFEW, AUTHORIZING DETENTION OF VIOLATORS, REGULATING CHILDREN ON PUBLIC STREETS, ALLEYS, AND OTHER PUBLIC PLACES WITHIN THE CITY OF LA FERIA, TEXAS, AT NIGHT, PROVIDING A PENALTY FOR VIOLATION; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS THAT:**

1. Section 8.02.001 of Article 8.02 Curfew, La FERIA Code of Ordinances shall be amended to read as follows:

**Section 8.02.001. Juvenile defined.** For the purposes of this Article, juvenile means a person less than 17 years of age.

2. Section 8.02.002 of Article 8.02 Curfew, La FERIA Code of ordinances shall be amended to read as follows:

**Section 8.02.002. Children on the streets at night.** It shall be unlawful for a juvenile to be or remain upon any street, alley or other public place in the City during the curfew hours of 10:00 p.m. to 6:00 a.m. on Sunday through Thursday and 11:00 p.m. to 6:00 a.m. on Friday and Saturday.

3. Section 8.02.003 of Article 8.02 Curfew, La FERIA Code of Ordinances shall be amended to read as follows:

**Section 8.02.003. Permitting children to violate curfew.** It shall be unlawful for a parent, or anyone having the legal care and custody of a juvenile, to permit the juvenile to violate Section 8.02.002.

4. Section 8.02.004 of Article 8.02 Curfew, La FERIA Code of Ordinances shall be amended to read as follows:

**Section 8.02.004. Detention of violators.** An officer of the La FERIA Police Department witnessing a juvenile violating the provisions of Section 8.02.002 shall detain such juvenile until the parent or guardian of such juvenile shall take

him or her into custody. The La Feria Police Department, if possible, shall immediately notify the parent or guardian of a juvenile taken into custody.

5. Section 8.02.005 of Article 8.02 Curfew, La Feria Code of ordinances shall be amended to read as follows:

**Section 8.02.005. Delinquent juveniles.** If it shall appear to an officer detaining a juvenile under this Ordinance that such juvenile is, due to lack of proper parental care, growing up in vagrancy, or is incorrigible, or has no home, such juvenile shall be placed in the care of the Cameron County Child Welfare Board.

6. The following shall be added to Article 8.02 La Feria Code of Ordinances:

**Section 8.02.006. Penalties.** A violation of Section 8.02.002 is a Class C misdemeanor. A violation of Section 8.02.003 is a Class C misdemeanor.

**Section 8.02.007. Defenses.** It shall be a defense to prosecution for a violation of Section 8.02.002 and 8.02.003 that the juvenile was:

- a) Accompanied by a parent or guardian, or other person having custody of such juvenile;
- b) Performing or returning home from a duty directed by a parent, guardian or other person having custody of such juvenile, and traveling by a direct route;
- c) Performing or returning home from a duty directed by the juvenile's employer, and traveling by a direct route;
- d) In a motor vehicle involved in interstate travel;
- e) On a sidewalk abutting the juvenile's residence or abutting the residence of a next-door neighbor and the neighbor does not complain to the police about the juvenile's presence;
- f) Attending or returning home from an official school or religious activity, and traveling by a direct route;
- g) Exercising rights granted by the First Amendment to the United States Constitution; or
- h) Married, had been married, or otherwise had the disabilities of minority removed in accordance with Chapter 31 of the Texas Family code.

7. This Ordinance shall become effective on January 14, 2014.

**PASSED AND APPROVED THIS THE 14<sup>TH</sup> DAY OF JANUARY 2014.**

THE CITY OF LA FERIA, TEXAS

By: Steve Brewer  
Steve Brewer, Mayor

ATTEST:

Olga Oberwetter  
Olga Oberwetter, City Secretary

APPROVED AS TO FORM:

Richard S. Talbert  
Richard S. Talbert, City Attorney