

AN ORDINANCE PROVIDING FOR AND ESTABLISHING A CURFEW FOR MINORS; REGULATING THE USE OF STREETS AND ALLEYS DURING NOCTURNAL HOURS; PROVIDING POLICE PROCEDURES; AND PROVIDING FOR PENALTIES WITH RESPECT THERETO:

DECLARATION OF POLICY:

WHEREAS, the Board of Trustees of the Town of La Jara hereby finds that curfews for minors have been over the years a significant factor in minimizing juvenile delinquency, and

WHEREAS, the Board of Trustees also finds that a curfew would meet a very real local need within the Town of La Jara;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO;

Section 1. Definitions and Terms: The definitions and terms used in this ordinance, unless the context otherwise indicates, are herewith defined as follows:

(a) "Parent" means any person having legal custody of a minor (i) as a natural or adoptive parent, (ii) as a legal guardian, (iii) as a person who stands in loco parentis, or (iv) as a person to whom legal custody has been given by order of court.

(b) "Curfew" means a prohibition against any person or persons walking, running, loitering, standing, being upon or motoring upon any alley, street, highway, public property, or vacant premises within the corporate limits of the Town of La Jara Colorado. Curfew shall not apply to persons officially assigned to carry out duties with reference to a civil emergency.

Section 2. Curfew for Minors -- Hours: It shall be unlawful for any person seventeen years of age to be or remain in or upon any of the streets, alleys, parks, or other public places of the Town of La Jara between the hours of 10:00 o'clock p.m. and 5:00 o'clock a.m., unless such minor person is accompanied by a parent, guardian, or other person having the legal custody of such minor or by an adult person authorized by such parent, guardian or legal custodian to escort such minor.

Section 3. Apprehension; Notice, Bond: Any person violating the provision of Section 2 shall be subject to apprehension by any policeman on duty, or other authorized person without warrant; PROVIDED, HOWEVER, no such person shall be placed in confinement for the first offense until the parent, guardian or legal custodian of such minor person shall have been notified of such police custody. Upon such notice being given, the custody of such minor person shall forthwith be transferred to such parent, guardian or legal custodian upon satisfactory assurance to the apprehending officer or his superior, that such parent, guardian or legal custodian shall appear with the minor in the Municipal Court of the Town of La Jara at the time designated.

Section 4. Adults' Responsibility: It shall be unlawful for any parent, guardian, or other person having the legal care and custody of any person under the age of 13 years to

knowingly allow or permit such minor to violate the provisions of Section 2.

Section 5. Aiding in Violation: It shall be unlawful for any person over the age of seventeen years to aid, abet, encourage or assist any minor under the age of seventeen years to violate the provisions of Section 2 hereof.

Section 6. Hearing: Municipal Judge's Duty: It shall be the duty of the Municipal Judge of the Town of La Jara to hear and determine complaints filed pursuant to Section 2 to Section 6 as in other cases; PROVIDED, HOWEVER, such Municipal Judge may, in his discretion, for the sole purpose of promoting the best interests of the accused minor abate any or all fines, or in lieu of such fines, accept the personal bond of the parent, guardian, or legal custodian in a sum not exceeding TEN DOLLARS (\$10) conditioned upon the future observance of such curfew provisions, and it shall be the duty of the Municipal Judge, in his discretion as aforesaid, to report for further investigation, to the Juvenile Court of Conejos County, Colorado, the names of all minor persons violating such curfew provisions together with the names of the parents, guardians, or legal custodians of such minor person.

Section 7. Permit: Any person under the age of seventeen years who is regularly employed and whose employment makes it necessary to be about the public places as herein defined during the times prohibited may, upon the written application of the parent or legal guardian and the employer of such minor person, obtain from the police department of the Town of La Jara a permit of exemption during such hours. Such application and permit shall set forth the name and age of the minor, the nature of the employment, the name of the parent and employer, the days and hours thereof when such employment is necessary. The permit when issued shall be signed a member of the police force of the Town of La Jara and a copy thereof delivered to such minor who shall keep the same in his possession during the times mentioned therein. Change of employment shall require a new application and permit. All employed minors complying with this Section are hereby exempted from the provisions relating to curfew hours while engaged in such employment and on their way to and from the same.

Section 8. Penalties: The following penalties herewith set forth in full, shall apply to this Ordinance:

(a) It is unlawful for any person to violate any of the provisions stated or adopted in this Ordinance.

(b) Every adult person convicted of a violation of any provision stated or adopted in this Ordinance shall be punished by a fine not exceeding THREE HUNDRED DOLLARS (\$300) or by imprisonment not exceeding ninety days, or by both such fines and imprisonment.

Section 9. Severability: If any provisions of this Ordinance or the application thereof to any person, situation, or circumstance be held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications, and if the provisions of this Ordinance are declared to be severable, the Board of Trustees of the Town of La Jara expressly declaring that it would have passed this Ordinance in every paragraph, sub-paragraph, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the other paragraphs, sub-paragraphs, phrases or words thereof may be declared invalid.

Section 10. Repeal. Any or all ordinances or parts of

~~ordinances of the Town of La Jara, in conflict or inconsistent herewith are hereby repealed, PROVIDED, HOWEVER, that the repeal of any ordinance or parts of ordinances of the Town of La Jara shall not revive any other sections of any ordinance or ordinances heretofore repealed or superseded.~~

Section 11. Effective Date: Whereas, in the opinion of the Board of Trustees of the Town of La Jara, an emergency exists and this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare, this Ordinance shall be in full force and effect immediately after its final passage and publication as provided by law.

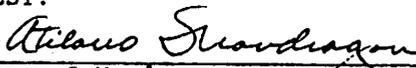
DULY PASSED, APPROVED AND ADOPTED BY AN AFFIRMATIVE VOTE OF 3/4 OF THE MEMBERS OF THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA AND SIGNED THIS 10<sup>th</sup> DAY OF January, 1978.

TOWN OF LA JARA, COLORADO,

  
Ben Gallegos, Mayor

(SEAL)

ATTEST:

  
Atilano S Mondragon,  
La Jara Town Clerk

DATE OF PUBLICATION: \_\_\_\_\_