

AN ORDINANCE PROHIBITING MINOR CHILDREN UNDER THE AGE OF EIGHTEEN YEARS FROM BEING UPON THE STREETS OR OTHER PUBLIC PLACES AFTER CERTAIN HOURS IN THE NIGHT TIME; PROHIBITING PARENTS OF MINOR CHILDREN OF SUCH AGES FROM KNOWINGLY PERMITTING SUCH MINOR CHILDREN TO BE IN PUBLIC PLACES AFTER THE PROHIBITED HOURS; AND REPEALING ANY AND ALL ORDINANCES IN CONFLICT HEREWITH.

By:

*James J. Meier*

ORDINANCE NO. 79

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NUCIA, Colorado, as follows:

SECTION 1:- LOTTERING OF MINOR CHILDREN PROHIBITED AFTER DESIGNATED HOURS:

The loitering or playing about or in stores, offices, liquor licensed restaurants, or hotels, saloons, abandoned buildings, and in and about the stairways, doorways, hallways, foyers leading to or in any building or structures used or customarily employed for business purposes or used or occupied for residential or any other purposes, except in cases where such minor children reside and live in such buildings or structures, and the playing upon and loitering about streets, alleys, avenues, highways, or other public places in the Town of Nucia, of a minor child under the age of EIGHTEEN years in the night time after the hour of 9:30 o'clock P. M. without being in the company of a parent or lawful guardian of such minor child, or in the company of some adult person duly authorized by such parent or lawful guardian, shall be and the same hereby is declared to be and constitute a public nuisance. Any person found to have violated the provisions of this section of said ordinance shall upon conviction thereof be fined in a sum not less than one Dollar (\$1.00) or more than Fifty Dollars (\$50.00) and the costs of the prosecution for such ordinance violation.

SECTION 2:- PARENTS PROHIBITED FROM KNOWINGLY PERMITTING CHILDREN TO BE ENGAGED IN ACTIVITIES PROHIBITED BY THIS ORDINANCE: It shall be unlawful for

any parent or lawful guardian of a minor person under the age of EIGHTEEN years to permit said minor person of such age to be upon the streets, avenues, alleys,

the provisions of Section 1 of this said ordinance. Any minor person under the age of EIGHTEEN years found violating the provisions of this ordinance, shall be presumed to have been permitted to do so with the knowledge and consent of the parent or parents or lawful guardian of said minor child, unless said parent or parents, or lawful guardian, are able to establish by clear and convincing evidence that such parent or parents or lawful guardian did not without any negligence, or want of care, or as the result of any failure of parental supervision, have any actual knowledge of the presence or whereabouts of said minor child, at the time of the violation of this ordinance by said minor child. Any parent or guardian of a minor child under the age of EIGHTEEN years, who knowingly permits a minor child to violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and shall be fined in a sum of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00) and may in the discretion of the Court or Judge thereof, be imprisoned in the Town Jail for a period not to exceed thirty (30) days, and in the discretion of the Police Magistrate, both such fine and imprisonment may be imposed.

SECTION 3:- ORDINANCES REPEALED: Any and all other ordinances and parts of ordinances in conflict herewith are herein and hereby expressly repealed.

SECTION 4:- EMERGENCY CLAUSE: An emergency is hereby declared to exist and this Ordinance is herein determined and declared to be necessary for the immediate preservation of the public peace, health, and safety and the same shall be in full force and effect from and after five days after the final passage and final publication thereof.

Introduced, read, and passed on and ordered published by the Town Board of Trustees of the Town of Nucla, at a regular meeting of said Town Board of Trustees held in the Town Hall of the Town of Nucla at 8:00 o'clock P.M. on the 11th day of April A.D. 1961.

  
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TOWN CLERK

STATE OF COLORADO )  
TOWN OF NUCLA ) ss.  
COUNTY OF MONTROSE )

I, ALICE F. CASE, Town Clerk in and for the Town of Nucla, Colorado, do hereby certify that the annexed and foregoing Ordinance was regularly introduced, read, presented, and passed at a regular meeting of the Town Board of Trustees of the Town of Nucla, held on Tuesday, the 11th day of April, A. D. 1961, and was then and there ordered to be published in the Nucla Forum, a legal weekly newspaper of general circulation published in the Town of Nucla, Colorado, in a regular weekly edition thereof; that said Ordinance was published in full in the April 14th, 1961 edition of said newspaper, and said Ordinance shall be in full force and effect from and after the expiration of five days from and after the publication thereof as hereinabove ordered.

WITNESS my hand and official seal of said Town of Nucla this 11<sup>th</sup> day of April, A.D. 1961.

Alice F. Case  
Alice F. Case - Town Clerk