

ORDINANCE

An Ordinance Adopting Policy Part 3, Chapter 6, Section 1 Curfew for Minors.

BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Colorado that the existing Policy and Procedure 5.95 Curfew for Minors is hereby deleted and replaced with the following:

Title: Regulatory Policy Curfew for Minors	Policy No. Part 3, Regulations Chapter 6, Persons Section 1
	Effective Date January 24, 2011
Policy Custodian Sheriff	Adoption/Revision Date December 14, 2010

Adopting Resolution(s): CC10-501

References (Statutes /Resos/Policies):); C.R.S. §16-2-201; CC95-649

Purpose: An Ordinance imposing a curfew for minors who have not reached their eighteenth birthday; making it unlawful for any parent, guardian, or other person having legal custody of such minor knowingly to allow such minor to violate said curfew; prescribing the penalty for violations; providing for enforcement; and providing for the disposition of fines.

Policy: Curfew for Minors

A. Curfew

It shall be unlawful for any person who has not reached his or her eighteenth birthday to be or remain upon any public road, street, or alley, to be or remain in any establishment open to the public, or to be or remain in any other public place in the unincorporated area of Jefferson County after the hour of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, or after the hour of 12:00 midnight on any Friday or Saturday, or prior to the hour of 5:00 a.m. on any day, except:

1. When accompanied by a parent, guardian, or other person having legal custody of such minor; or
2. When traveling for lawful employment or for one-half hour before or after such employment when commuting directly to or from such employment and when carrying an employer's written and signed statement specifying the type, hours, and place of employment; or
3. When accompanied by a person who has reached his or her eighteenth birthday and who has in his or her possession the written and signed consent of the parent, guardian, or other person having legal custody of the minor; or
4. When attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly or freedom of religion; or

5. When traveling directly to or from a recreational activity or dance sponsored by a public or private school, or a charitable or non-profit organization; or
6. When traveling directly to or from a sporting event; or
7. When a person is legally emancipated in accordance with Colorado or other applicable law.

B. Knowingly Allowing or Permitting Violation of Curfew

1. The term "knowingly" as used herein includes knowledge which a parent, guardian, or other person having legal custody of a person who has not reached his or her eighteenth birthday reasonably should be expected to have concerning the whereabouts of said minor.
2. It shall be unlawful for any parent, guardian, or other person having legal custody of any minor who has not reached his or her eighteenth birthday knowingly to allow or permit any such minor to be or remain upon any public road, street, or alley, to be or remain in any establishment open to the public, or to be or remain in any other public place in the unincorporated area of Jefferson County after the hour of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, or after the hour of 12:00 midnight on any Friday or Saturday, or prior to the hour of 5:00 a.m. on any day, except:
 - a. When accompanied by a parent, guardian, or other person having legal custody of such minor; or
 - b. When traveling for lawful employment or for one-half hour before or after such employment when commuting directly to or from such employment and when carrying an employer's written and signed statement specifying the type, hours, and place of employment; or
 - c. When accompanied by a person who has reached his or her eighteenth birthday and who has in his or her possession the written and signed consent of the parent, guardian, or other person having legal custody of the minor; or
 - d. When attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly or freedom of religion; or
 - e. When traveling directly to or from a recreational activity or dance sponsored by a public or private school, or a charitable or non-profit organization; or
 - f. When traveling directly to or from a sporting event; or
 - g. When a person is legally emancipated in accordance with Colorado or other applicable law.

C. Penalties and Enforcement

1. Violations of any provision of this Ordinance shall be a Class 2 Petty Offense, and the penalty for a violation of any provision of this Ordinance shall be a fine of not more than three hundred dollars (\$300.00) for each separate violation.
2. The penalty assessment procedure provided in C.R.S. §16-2-201, shall be followed by the Jefferson County Sheriff's Office in enforcing the provisions of this Ordinance, except where a violation of law not subject to the penalty assessment provisions of C.R.S. §16-2-201 is also charged.

D. Disposition of Fines

All fines imposed and collected pursuant to this ordinance shall be paid to the Treasurer of Jefferson County.

E. Procedure

All prosecutions for all offenses under this Ordinance shall be by the District Attorney according to the applicable Colorado Rules of Criminal Procedure.

F. Severability

Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

G. Public Health, Safety, and Welfare

This Board of County Commissioners hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public health, safety, and welfare.