

CHAPTER 13 – MISCELLANEOUS PROVISIONS AND OFFENSES

Sec. 13-71. Curfew.

(a) It is unlawful for any person sixteen (16) years of age and under eighteen (18) years of age to remain upon, go or be upon any public street, alley or other public place of the City between 12:00 a.m. and 5:00 a.m. on any day unless such person is accompanied by a parent, guardian or some other person above the age of eighteen (18) years having legal custody of the minor or is en route directly home from the minor's place of employment or an authorized function sponsored by a church, educational institution, civic organization or social organization or similar supervised activity.

(b) It is unlawful for any person UNDER the age of sixteen (16) years to remain upon, go or be upon any public street, alley or other public place of the City between 10:00 p.m. and 5:00 a.m. on any day, unless such person is accompanied by a parent, guardian or some other person above the age of eighteen (18) years having legal custody of the minor or is en route directly home from minor's place of employment or an authorized function sponsored by a church, educational institution, civic organization or social organization or similar supervised activity.

(c) It is unlawful for any parent, guardian or other person above the age of eighteen (18) years having legal custody of the minor to allow or permit such minor to remain upon, go or be upon any public street, alley or other public place between the hours set forth in this section unless accompanied by such parent, guardian or other person having legal custody of the minor or is en route directly home from minor's place of employment or an authorized function sponsored by a church, educational institution, civic organization or social organization or similar supervised activity.

(d) The provisions of this section shall not apply when the minor child is upon an emergency errand directed by his or her parent, guardian or other person having legal custody of the minor.

(e) All parent(s), guardian(s) or other person(s) above the age of eighteen (18) years having legal custody of any minor child shall have an affirmative duty to prevent their minor child from remaining upon, go or be upon any public street, alley or other public place between the hours set forth in this section unless accompanied by such parent, guardian or other person having legal custody of the minor unless the minor is en route directly home from an authorized function sponsored by a church, educational institution, civic organization or social organization or similar supervised activity.

(f) Any peace officer having jurisdiction within the city may detain any such minor for the limited purpose of immediately notifying the parent, guardian or other person having legal custody of the minor that they have been detained for violation of the provisions of this section.

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(g) Prior to July 17, 1994, any person under the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class one misdemeanor and shall be subject to a mandatory fine of fifty dollars (\$50.00). The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court may additionally require such persons to perform community service and successfully complete counseling or other educational programs as a condition of sentence.

(h) Effective July 17, 1994, any person under the age of eighteen years who is convicted of a violation of this section shall be guilty of a class one misdemeanor and shall be subject to a mandatory minimum fine of fifty dollars (\$50.00). The court may order the child to pay a maximum fine of one hundred and fifty dollars (\$150.00), Plus lawful surcharges and assessments. The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court may additionally require such persons to perform community service and successfully complete counseling or other educational programs as a condition of sentence.

(i) Any person over the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class one misdemeanor. The court shall impose a mandatory minimum fine for the first offense of one hundred dollars (\$100.00), together with the surcharge required by this chapter, which may not be waived or suspended. The court shall impose a mandatory minimum fine for the second or subsequent violation of this section in the amount of two hundred fifty dollars (\$250.00), together with the surcharge required by this chapter, which may not be waived or suspended. The court may additionally require such persons to be placed on probation, perform community service, to successfully complete counseling or other educational programs and order restitution to the city for the costs of prosecution and court costs as a condition of sentence.

State Law Reference A.R.S. §8-241.

(Ord. No. 92-04, 2/11/92, Enacted)

(Ord. No. 93-09, 2/2/93, Amended)

(Ord. No. 94-31, 7/5/94, Amended)

(Ord. No. 94-59, 8/2/94, Amended)

(Ord. No. 95-17, 4/4/95, Amended (a), (b))