



What time is it anyway?

Are you breaking the law?

Did you know that the City of Burnet has a curfew law and that you could be charged with a misdemeanor with a fine of up to \$500 for each occurrence?

In 1995 the City of Burnet adopted a minor curfew law that sets limits for the times that minors under the age of 17 can be out. This flyer includes key elements of the ordinance but the full text can be viewed on the back of this document or you can go online to www.cityofburnet.com and click on Code of Ordinances and then enter "curfew" in the search window.

What is a minor?

A minor is any person under the age of 17.

What are the curfew hours?

11:00 pm on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 am of the following day; and 12:01 am until 6:00 am on any Friday or Saturday.

What are the offenses you can be charged with?

You can be charged with an offense if you remain in any public place or on the premises of any establishment within the city during curfew hours.

Who else can be charged?

Besides the minor, the minor's parent or legal guardian can also be charged if he/she knowingly permits or allows by lack of control,

a minor to remain in any public place or on the premises of any establishment within the curfew hours.

Also, the owner, operator, or employee of an establishment can be charged with an offense if they knowingly allow a minor to remain upon the premises during curfew hours.

Are there any exceptions to the requirements?

Yes, there are several exceptions. For a complete list of exceptions, read the information on the back of this document but some of the exceptions include being on your way to work and back, being with your parent or legal guardian and being involved in interstate travel.

What is the fine?

Conviction of each offense for each day or part of a day during which the violation occurred is punishable by a fine of up to \$500 each.

Who can I call for more information?

You can call Municipal Court at 512.756.2822.

CITY OF BURNET CODE OF ORDINANCES

Last adopted 5/9/06. Check website for updates.

DIVISION 2. CURFEW

Sec. 70-36. Short title.

This division shall be known and may be cited as the "Curfew Hours for Minors Ordinance."
(Ord. No. 95-18, § 1, 8-8-95; Ord. No. 2003-04, § 2, 4-8-03; Ord. No. 2006-12, § 2, 5-9-06)

Sec. 70-37. Definitions.

For the purposes of this division the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Curfew hours means:

(1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and

(2) 12:01 a.m. until 6:00 a.m. on any Friday or Saturday.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

Guardian means:

(1) A person who, under court order, is the guardian of a minor; or

(2) A public or private agency with whom a minor has been placed by a court.

Minor means any person under 17 years of age.

Operator means any individual, firm, association, partnership or corporation, operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent means a person who is:

(1) A natural parent, adoptive parent or step-parent or another person; or

(2) At least 18 years of age and authorized by a parent or guardian in writing to have the care and custody of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

Remain means to:

(1) Linger or stay; or

(2) Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(Ord. No. 95-18, § 2, 8-8-95; Ord. No. 2003-04, § 2, 4-8-03; Ord. No. 2006-12, § 2, 5-9-06)

Sec. 70-38. Curfew related offenses.

(a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

(b) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(c) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.
(Ord. No. 95-18, § 3, 8-8-95; Ord. No. 2003-04, § 2, 4-8-03; Ord. No. 2006-12, § 2, 5-9-06)

Sec. 70-39. Exceptions and defenses.

(a) It is a defense to prosecution under section 70-38 that the minor was:

(1) Accompanied by the minor's parent or guardian;

(2) On a lawful errand at the direction of the minor's parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor's residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization; or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(b) It is a defense to prosecution under subsection 70-38(c) that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(Ord. No. 95-18, § 4, 8-8-95; Ord. No. 2003-04, § 2, 4-8-03; Ord. No. 2006-12, § 2, 5-9-06)

Sec. 70-40. Enforcement.

Before taking any enforcement action under this division, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this division unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 70-39 is present.

(Ord. No. 95-18, § 5, 8-8-95; Ord. No. 2003-04, § 2, 4-8-03; Ord. No. 2006-12, § 2, 5-9-06)

Sec. 70-41. Penalties.

(a) A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.

(b) When required by V.T.C.A., Family Code § 51.08, as amended, the municipal court shall waive original jurisdiction over a minor who violates subsection 70-38(a) of this division and shall refer the minor to juvenile court.

(Ord. No. 95-18, § 6, 8-8-95; Ord. No. 2003-04, § 2, 4-8-03; Ord. No. 2006-12, § 2, 5-9-06)