

ORDINANCE NO. 12-11

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES,
COLORADO AMENDING SECTION 10-3-60 OF THE CASTLE PINES MUNICIPAL
CODE CONCERNING CURFEWS FOR MINORS**

WHEREAS, the City of Castle Pines is authorized, pursuant to C.R.S. § 31-15-103, to make and publish ordinances necessary and proper to provide for the public health, safety, and welfare of the citizens of the City; and

WHEREAS, pursuant to C.R.S. § 31-15-401(h), the City has the authority to restrain and punish loiterers; and

WHEREAS, the City Council has adopted regulations, as codified in Section 10-3-60 of the Municipal Code, imposing a curfew on minors who have not reached their eighteenth birthday; and

WHEREAS, the Sheriff's Office, as the law enforcement agency for the City, has recommended changes to the City's curfew law based on meetings among Douglas County local governments and the Douglas County Youth Initiative; and

WHEREAS, the proposed changes are intended to create uniformity in curfew violations throughout the local jurisdictions in Douglas County, including but not limited to extending the hours of the curfew and standardizing the exceptions to violations of curfew regulations; and

WHEREAS, an ordinance imposing a curfew on minors who have not reached their eighteenth birthday is necessary for the preservation of the public peace, health, safety and welfare.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:

Section 1. Section 10-3-60 of Chapter 10 of the Municipal Code is hereby repealed and reenacted to read in full as follows:

10-3-60. Curfew

(a) **Definitions.** As used in this Section, unless otherwise noted:

Knowingly shall mean information or knowledge which a parent, guardian, or other person having legal custody of any minor should be reasonably expected to have concerning the whereabouts of said minor.

Loitering or loiter shall mean remaining idle in essentially one location, to be dilatory, to tarry or to dawdle, and shall include, but not be limited to standing around, hanging out, sitting, kneeling, sauntering or prowling. The term shall also include such activity by the driver or a passenger in a motor vehicle which is parked, standing or being driven upon any public street, alley or parking lot.

Minor shall mean a person under the age of eighteen (18) years.

- (a) Curfew. It shall be unlawful and a municipal violation for a minor to loiter on or about any street, sidewalk, curb, gutter, parking lot, alley, vacant lot, park, playground or yard, whether public or private, without the consent or permission of the owner or occupant thereof, during the hours between 12:00 midnight and 5:00 a.m., according to the applicable time standard then in effect for the City.
- (b) Affirmative Defenses. It shall be an affirmative defense to a charge under this Section if at the time of the violation the person was:
- i. In a parked, standing or moving motor vehicle while accompanied by a parent, guardian, person having legal custody of such minor, or other adult person over the age of twenty-one (21) years;
 - ii. In a motor vehicle in interstate travel;
 - iii. Engaged in any employment, school, religious or athletic activity or going to or returning from any such activity or going to or from any other activities of any kind which are supervised or directed by a parent, guardian, person with legal custody of such minor, or an adult person over the age of twenty-one (21) years;
 - iv. Married or an emancipated minor;
 - v. Accompanied by a parent, guardian, or other person having legal custody of such minor;
 - vi. Commuting directly to or from their lawful place of employment one-half hour before or one-half hour after their work and carrying an employer's written and signed statement specifying the type, hours and place of employment;
 - vii. In possession of a written and signed consent of the parent, guardian, or other person having legal custody of such minor;
 - viii. Exercising rights protected by the first amendment of the United States Constitution such as the free exercise of religion, freedom of speech or the right of assembly; or
 - ix. Not loitering.
- (c) Knowingly Allowing or Permitting Violation of Curfew. It shall be unlawful for any parent, guardian or other person having legal custody of any minor to knowingly allow or permit any such minor who is not emancipated or married to violate Section 10-3-60(b) of this Code.

Section 2. Severability. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, such validity shall not affect, impair or invalidate any other provisions of this Ordinance, which can be given affect without such invalid provision.

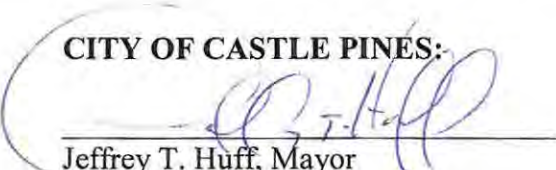
Section 3. Repeal. All ordinances or resolutions or parts of ordinances or resolutions inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days following final adoption and publication pursuant to C.R.S. § 31-16-105.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 26th day of June, 2012.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 24th day of July, 2012.

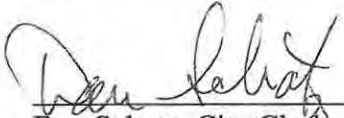
CITY OF CASTLE PINES:



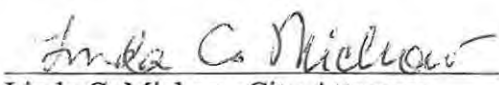
Jeffrey T. Huff, Mayor

ATTEST:

Approved as to form:



Dan Schatz, City Clerk



Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a regular meeting of the Castle Pines City Council on June 26, 2012; published by reference by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of all ordinances is available through the City Offices and on the City’s official website”; and finally passed and adopted by the City Council on July 24, 2012 following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on August 2, 2012.

ATTEST:



City Clerk or Deputy City Clerk