

ORDINANCE NO. 825

AN ORDINANCE REGULATING THE PRESENCE OF JUVENILES UNDER THE AGE OF EIGHTEEN YEARS IN PUBLIC STREETS AND OTHER PLACES BETWEEN CERTAIN HOURS; DEFINING THE DUTIES OF PARENTS OR OTHERS IN CARE OF JUVENILES; THE DUTIES OF POLICE; PROVIDING FOR ARREST AND PENALTIES FOR VIOLATIONS THEREOF; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith AND PROVIDING FOR SEVERABILITY.

WHEREAS, an emergency exists by reason of the prevailing nationwide increase of law infractions on the part of juveniles, which is spreading over the country and affecting this community, which conditions have overtaxed the law enforcement agencies of the City of Roswell because of recent influxes of population, strangers, transients and otherwise, and

WHEREAS, due to these conditions, measures for the adequate control of juvenile delinquency and petty criminal conduct on the part of juveniles have become necessary in order to alleviate the increasing burden of law enforcement and to prevent a threatened menace to the preservation of the public peace, safety, health, morals and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROSWELL, NEW MEXICO:

Section 1. Unlawful for juveniles to be on streets, loitering of juveniles prohibited.

It shall be unlawful for any juvenile, male or female, under the age of 18 years to be in or upon any of the streets of the city, to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement or entertainment, vacant lots or other unsupervised places, at any time between the hours of 11:00 P. M. and 5:00 A. M., excepting therefrom Fridays and Saturdays, and on Fridays and Saturdays at any time between the hours of 12 (midnight) and 5:00 A. M.; unless accompanied by a parent or guardian, or other adult person having the care and custody of such minor or juvenile, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of such juvenile. Each violation of the provisions of this section shall constitute a separate offense.

Section 2. Permitting juveniles on streets prohibited. Responsibility of parents.

It shall be unlawful for the parent, guardian or other adult person having the care and custody of any juvenile, male or female, to knowingly permit such juvenile to be in violation of Section 1 of this ordinance; provided, however, that the provisions of this

Section shall not apply when such minor is accompanied by his or her parent, guardian or other adult person having the care and custody of such juvenile, or where such juvenile is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of such juvenile. Each violation of the provisions of this Section shall constitute a separate offense.

Section 3. Duty of Police to detain juveniles violating curfew. It is hereby made the duty of the City Police to take into custody any juvenile under the age of eighteen years who shall be found on the streets of the city or other places as set forth in Section 1 hereof, unaccompanied by a parent or guardian after the hours as set forth in Section 1 hereof, and to take into custody any juvenile under 18 years of age, after the hours as set forth in Section 1 hereof, who shall be found on the streets of the city or other place in violation of Section 1 hereof, unaccompanied by a parent or guardian, and to take such juvenile as expediently as possible to the proper Juvenile Court office or authorities and, to immediately notify the parent or guardian of such juvenile or, the Probation Office of the District Court of Chaves County that such juvenile was or is detained.

Section 4. Penalties. Any parent, guardian, or other adult person having the care and custody of a minor or juvenile violating Section 2 hereof shall be fined not less than ten dollars nor more than fifty dollars or be confined in jail not more than ten days, or punished by both such fine and imprisonment for each offense.

Section 5. That all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 6. That if any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

PASSED, ADOPTED, SIGNED AND APPROVED this 8th day of October,

1963.

SEAL

ATTEST:

W. M. Foster
W. M. Foster, City Clerk.

Laure J. Frazier
Laure J. Frazier, Mayor.