

AUG 26 1997 4P3
b

Board of Supervisors



Tony J. Saracino
Chairman,
District 1

Mike Palmer
District 2

Leslie E. Thompson
District 3

Jody N. Klein
County Administrator

Nadine Parkhurst
Clerk

ORDINANCE NO. 028-97

AN ORDINANCE ESTABLISHING A JUVENILE CURFEW WITHIN THE UNINCORPORATED AREAS OF COCHISE COUNTY AND REPEALING ANY CURFEW ORDINANCE(S) APPLICABLE TO PARTICULAR UNINCORPORATED AREAS

WHEREAS, pursuant to A.R.S. §11-251(40), as amended by Laws 1996, Ch. 38 §1, and 11-251.05, a county board of supervisors may enact ordinances prescribing reasonable curfews in unincorporated areas of the county for persons under the age of eighteen;

WHEREAS, curfews can help reduce juvenile crime, protect residents and reinforce parental responsibility; and

WHEREAS, residents of Cochise County have been subject to disturbances and property damage by minors during late and early morning hours, and

WHEREAS, it is in the best interest of the public to have a uniform curfew in effect throughout the unincorporated areas of Cochise County.

NOW, THEREFORE, THE COCHISE COUNTY BOARD OF SUPERVISORS ADOPTS THE FOLLOWING CURFEW ORDINANCE:

SECTION I CURFEW

It is unlawful for any minor under the age of eighteen (18) years to be or remain in, about or upon any place within the unincorporated area of Cochise County other than his or her residence or usual place of abode, during the following hours:

Sunday through Thursday: from 10:00 p.m. to 5:00 a.m.

Friday and Saturday: from Midnight to 5:00 a.m.

**SECTION II
PARENTAL RESPONSIBILITY**

It is unlawful for any parent or guardian or any adult having supervisory custody of a minor,

1. Knowingly or by the exercise of negligent oversight, to allow the minor to violate this Ordinance.
2. To fail or refuse to take custody of the minor upon a demand by a law enforcement officer.

**SECTION III
EXCEPTIONS**

It is a defense to prosecution under Section I and II that:

1. The minor is accompanied by a parent, guardian or an adult having supervisory custody of that minor.
2. The minor is on an emergency errand.
3. The minor has been specifically directed to the location on reasonable, legitimate business or some other activity by the parent, guardian or adult having supervisory custody.
4. The minor is engaged in a lawful occupation or is in the process of traveling directly to or from the site of such occupation.
5. The minor, with the prior permission of the parent, guardian or adult having supervisory authority over the minor is engaged in reasonable, legitimate and specific business and/or activity, including a function sponsored by a school, governmental entity, religious organization, recreational or athletic association or civil or political organization, or in traveling directly to or from any such function.
6. The minor is legally emancipated by marriage or otherwise.
7. The minor, with the consent of the parent, guardian or adult having supervisory authority over the minor, is in a motor vehicle involved in interstate travel.
8. The minor is on the sidewalk abutting the property where the minor resides or on either side of or across the street from where the minor resides and the adult owner or resident of the property consents to the minor's presence.

- 9. The minor is exercising First Amendment rights, such as free exercise of religion, freedom of speech and the right of assembly, or other rights protected by the United States Constitution.

**SECTION IV
PENALTIES**

- 1. Violation of this Ordinance by a minor may be enforced by the Juvenile Division of the Superior Court, and is subject to a fine not to exceed the maximum permissible for a petty offense.
- 2. Violation of this Ordinance by a parent, guardian or adult having supervisory custody of the minor is a petty offense and is subject to a fine not to exceed maximum permissible for a petty offense.

**SECTION V
ENFORCEMENT**

This Ordinance is intended to reinforce the exercise of parental responsibility, rather than to attempt to transfer such authority to either the juvenile or adult criminal justice systems. Accordingly, parental or custodial enforcement remains a preferred alternative to citation or arrest. This discretion does not limit the authority of a peace officer to issue a citation or to make an arrest.

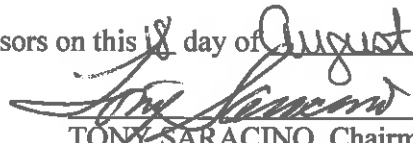
**SECTION VI
SEVERABILITY**

In the event that any section or any portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the remaining sections and portions of this Ordinance, which shall remain in full force and effect.

**SECTION VII
RECISSION OF PRIOR CURFEW ORDINANCES**

All previously adopted curfew ordinance(s) applicable to particular unincorporated areas with Cochise County, including Ordinance 024-96, are hereby repealed.

Adopted by the Cochise County Board of Supervisors on this 18 day of August, 1997.



 TONY SARACINO, Chairman
 Board of Supervisors

ATTEST:



 NADINE PARKHURST
 Clerk of the Board

APPROVED AS TO FORM:



 Deputy County Attorney

REQUEST OF
 COCHISE COUNTY BOARD OF SUPV
 CHRISTINE RHODES-RECORDER
 FEE :
 PAGES : 3



OFFICIAL RECORDS
 COCHISE COUNTY
 DATE 8/26/97 HOUR 4
 FEE # 970821951

Board of Supervisors



Tony J. Saracino
Chairman,
District 1

Mike Palmer
District 2

Leslie E. Thompson
District 3

Jody N. Klein
County Administrator

Nadine Parkhurst
Clerk

CERTIFICATION

I hereby certify that I am the duly appointed, qualified, and Deputy Clerk of the Cochise County Board of Supervisors, Bisbee, Arizona; that as such, I have in my possession all of the original Ordinances adopted by the Cochise County Board of Supervisors; and that the attached is a true and correct copy of Ordinance 028-97 approved at the Board of Supervisors' meeting on August 18, 1997 which was published in the Tombstone Tumbleweed on September 4, 1997, as it appears in my records.

Dated this 10th day of September, 1997.

Maria G. Marsh
Deputy Clerk of the Board
Board of Supervisors

