ORDINANCE NO. 16309

AN ORDINANCE AMENDING TITLE 10 (PUBLIC PEACE, MORALS AND WELFARE), CHAPTER 10.20 (OFFENSES BY OR AGAINST MINORS) OF THE EL PASO MUNICIPAL CODE TO AMEND THE PROVISIONS RELATING TO DEFINITIONS AND CURFEW OFFENSES THE PENALTY BEING AS PROVIDED IN SECTION 1.08.010 TO 1.08.030 OF THE EL PASO CITY CODE

WHEREAS, it is commonly known that young people who are residents of the City of El Paso are crossing through the designated Special Curfew Area in order to enter the Republic of Mexico with the intention of purchasing and consuming alcoholic beverages; and

WHEREAS, according to the 2005 Circular to Border Communities published by the Pacific Institute for Research and Evaluation (PIRE), as many as 2,000 youth cross into Juarez on a typical weekend to drink alcoholic beverages; and

WHEREAS, officers of the El Paso Police Department issued in excess of 144 curfew citations over the last year to minors (persons under the age of 17) located within the designated Special Curfew Area after returning from the Republic of Mexico; and

WHEREAS, approximately 10 minors are apprehended by officers of the El Paso Police Department each year, in or directly adjacent to the designated Special Curfew Area, while operating a motor vehicle while intoxicated or with a detectable amount of alcohol on their breath (20 detentions in 2003, 14 detentions in 2004, and 8 detentions year to date for 2005).

WHEREAS, the designated Special Curfew Area has experienced a high volume of criminal activity during the nighttime hours, which threatens the general safety and wellbeing of minors if they are allowed to frequent the area unaccompanied by a parent or guardian. Reported crimes within the designated Special Curfew Area for the year 2004 include: 134 public intoxication arrests, 74 reported assaults (6 involving minors), 5 reported robberies, and 1 reported sexual assault of a minor; and

WHEREAS, the designated Special Curfew Area is an area included in a Permanent Injunction Order from the 41st District Court designating the area as a Safe Community Zone and enjoins members of Barrio Azteca Gang from using the Safe Community Zone as a result of continued organized criminal activity.

WHEREAS, it is in the best interest of the City of El Paso and its citizens to limit minors' exposure to the risk of becoming a victim of a crime and gaining access to easily accessible alcohol; and

WHEREAS, El Paso City Council finds that the stated matters are serious concerns and these amendments are in the best interest of the City of El Paso and its citizens and is designed to promote the public safety and welfare of it's citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO that the El Paso City Code of Ordinances Chapter 10.20 shall be and is hereby amended by adding to specifically read as follows:

Section 10.20.010 (Definitions) be amended to read as follows:

In this chapter:

"Chief of police" means the chief of police of the city or a designated representative.

"*Curfew* hours" means the period beginning at eleven p.m. and ending at six a.m. of the following day. The time shall be determined by the prevailing standard of time, whether Mountain Standard Time or Mountain Daylight Savings time, generally observed at that hour by the public in El Paso. The time then observed in the El Paso Police Department's Communications Divisions shall be prima facie evidence of the true and correct time

"Special *Curfew* hours" means the period beginning at seven p.m. and ending at six a.m. of the following day. The time shall be determined by the prevailing standard of time, whether Mountain Standard Time or Mountain Daylight Savings time, generally observed at that hour by the public in El Paso. The time then observed in the El Paso Police Department's Communications Divisions shall be prima facie evidence of the true and correct time.

"Direct route" means the shortest path of travel through a public place to reach a final destination without any detour or stop along the way.

"Emergency" means, 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.

"Minor" means a person who is under the age of seventeen years of age.

"Parent" means a person who is:

1. A natural or adoptive parent or step-parent of the minor;
2. A court-appointed guardian of the minor or the public or private agency with whom the minor has been placed by a court; or
3. A custodian, at least eighteen years of age, and with whom the minor resides.

"Public place" means any street, alley, highway, sidewalk, driveway, yard, playground, park, plaza, building or other place used by or open to the public. The term "street" includes the legal right-of-way, including but not limited to the traffic lanes, curb, sidewalk, whether paved or unpaved, parkway and any grass plots or other grounds found within the legal right-of-way of a street.

"Remain" means to:

1. Linger, stop or stay for any length of time, or to travel or move upon a street; 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.

"Special *Curfew* Area" means the areas contained within the following boundaries:

Special *Curfew* Area "A"
1. Beginning at the intersection of Father Rahm Avenue and Santa Fe Street;
2. Proceeding south on Santa Fe Street to Loop 375 (Border Highway);
3. Proceeding east on Loop 375 (Border Highway) to Oregon Street;
4. Proceeding north on Oregon Street to Father Rahm Avenue; and
5. West on Father Rahm Avenue to the point of beginning.

Special *Curfew* Area "B"
1. Beginning at the intersection of Mesa Street and Seventh Avenue; and
2. Proceeding south on Mesa Street to Eighth Street; and
3. Proceeding east on Eighth Street to Kansas Street; and
4. Proceeding north on Kansas Street to Seventh Avenue; and
5. West on Seventh Avenue to the point of the beginning.

The Areas are more fully described by a map filed with the City Clerk.

Section 10.20.020 (*Curfew*--Offenses) be amended to read as follows:

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

B. A minor commits an offense if he remains in any public place in a special *curfew* area or on the premises of any establishment within a special *curfew* area during special *curfew* hours.

C. A parent of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place within the city limits during *curfew* hours.

D. A parent of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place within a special *curfew* area during special *curfew* hours.

E. A parent of a minor commits an offense if he knowingly fails to respond within two hours of receipt of any notification by a law enforcement officer to take custody of a minor taken into custody for violation of this section, unless reasonably hindered from doing so.

Section 3. Except as herein amended, Chapter 10.20 (OFFENSES BY OR AGAINST MINORS) of the El Paso Municipal Code, shall remain in full force and effect.

ADOPTED this 14th day of March, 2006.

CITY OF EL PASO

John Cook
Mayor

ATTEST

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Ernesto Rodriguez
Assistant City Attorney

APPROVED AS TO CONTENT:

Richard Wiles
Chief of Police

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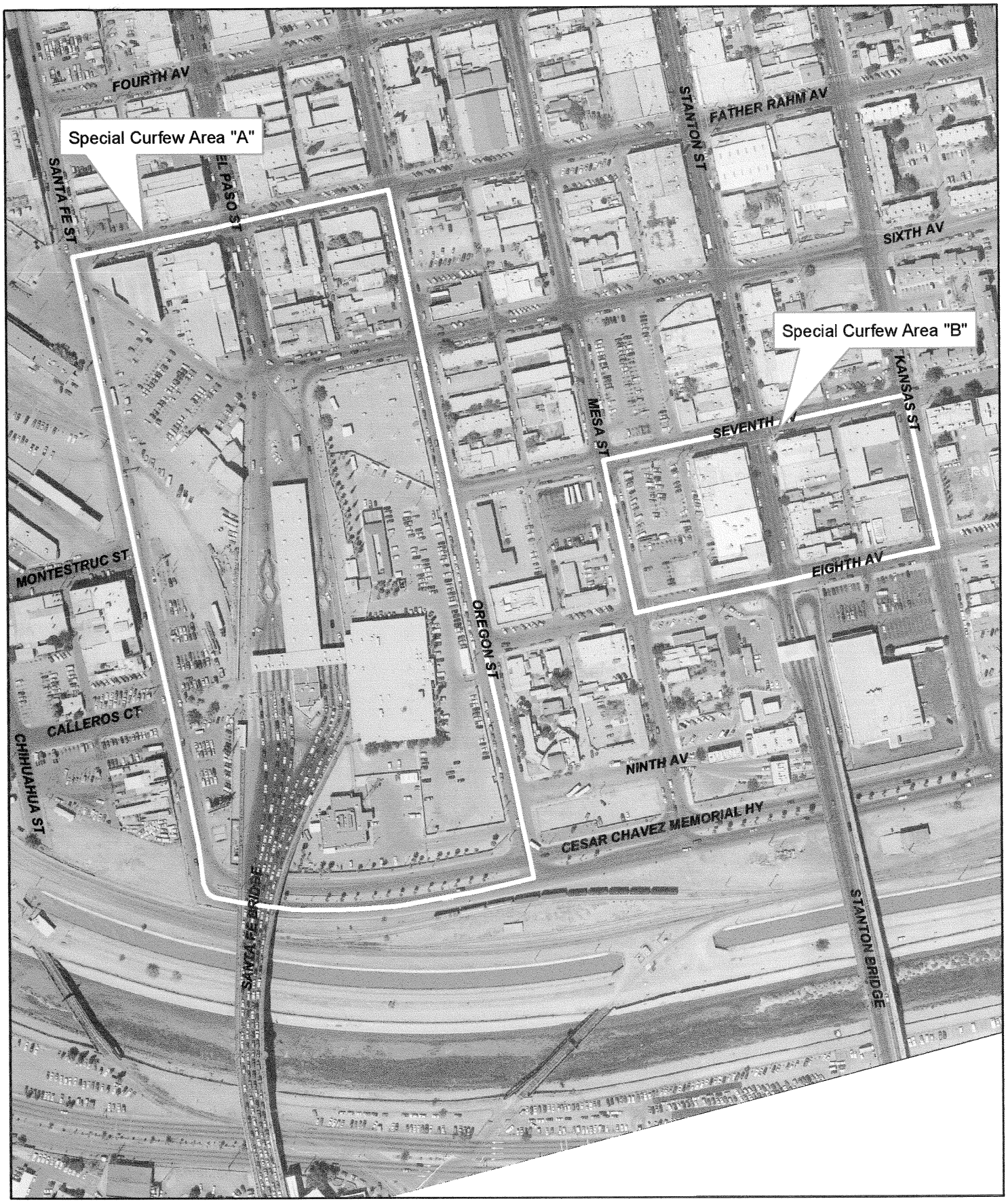

Information Technology's
Geographic Information Systems

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Aerials flown Fall 2003

Special Curfew Areas

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