NAVAJO COUNTY, JAY TURLEY - COUNTY RECORDER BY: BOARD OF SUPERVISORS
DATE: 07/09/1997 TIME: 08:30 PAGE #: 0001 OF 0005 FEE #: 1997 11372 **

Board of Supervisor's Office

NAVAJO COUNTY RECORDER

MICROFILMED
INDEXED

01-97

CAPTION HEADING: **ORDINANCE NO. 97-01 CURFEW ORDINANCE**

DO NOT REMOVE

This is part of the official document

Ordinance No. 97-01, establishing a **Curfew for Minors** in the unincorporated areas of the County; and prescribing procedures and penalties for violations.

ORDINANCE NO. 97-01 01-97

NAVAJO COUNTY CURFEW ORDINANCE

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NAVAJO COUNTY, ARIZONA; ESTABLISHING A CURFEW FOR MINORS IN THE UNINCORPORATED AREAS OF THE COUNTY; AND PRESCRIBING PROCEDURES AND PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, Section 11-251(40) of the Arizona Revised Statutes authorizes the Board of Supervisors of Navajo County to adopt a curfew ordinance for the unincorporated areas of Navajo County; and

WHEREAS, the Board of Supervisors finds that the adoption of a curfew ordinance for the unincorporated areas of Navajo County would reduce the likelihood of crime, reinforce parental authority, and promote the general welfare of the residents,

NOW, THEREFORE, be it enacted by the Board of Supervisors as follows:

Section 1: Popular Name.

This Ordinance shall be known as the "Navajo County Curfew Ordinance."

Section 2: Curfew Area.

This Ordinance shall apply within the unincorporated areas of Navajo County. However, within those portions of the Apache, Navajo and Hopi Reservations located within the boundaries of Navajo County, its applicability is limited as set forth in Section 6(A).

Section 3: Curfew.

(A) Except as provided in Section 6, it shall be unlawful for any minor to be in or upon any public highway, street, sidewalk, alley, park, vacant lot or other public place within the Curfew Area between the hours of 10:00 p.m. and 5:00 a.m. (local time). A parent, guardian or other adult having the care, custody or control of a minor who is found in or upon any public highway, street, sidewalk, alley, park, vacant lot or other public place within the Curfew Area between the hours of 10:00 p.m. and 5:00 a.m. in violation of this Ordinance shall be guilty of a separate offense.

(B) As used herein, "minor" shall have the same meaning as set forth in Section 1-215 of the Arizona Revised Statutes ("a person under the age of eighteen years").

(C) A violation of this Ordinance by a minor shall be deemed a "Delinquent Act" as defined in Section 8-201 of the Arizona Revised Statutes.

Section 4: Penalty for Violations.

A violation of this Ordinance shall be a petty offense punishable by a fine not to exceed Three Hundred Dollars ($300.00).

Section 5: Procedure.

(A) If a Deputy Sheriff or other peace officer has reasonable cause to believe that this Ordinance has been violated, the officer shall either order the minor home or take the minor to the minor's home or temporary residence if it is within the boundaries of the Curfew Area. If the minor's home or temporary residence is outside the Curfew Area, the officer shall order the minor to leave the Curfew Area. Failure to comply with a valid order pursuant to this Section shall result in the detention of the minor as set forth in subsection (B).

(B) A minor detained pursuant to subsection (A) shall be transported to the nearest sub-station of the Navajo County Sheriff, where an attempt shall immediately be made to contact the minor's parent, guardian or other adult having care, custody or control of the minor. If no parent, guardian or other responsible adult is available to assume custody of the minor within one (1) hour, the minor shall be transported and released to the custody of the Juvenile Court.

(C) Any detention of a minor shall conform to the requirements of Sections 8-223 and 8-226 of the Arizona Revised Statutes.

Section 6: Exceptions.

A minor who is in or upon any public highway, street, sidewalk, alley, park, vacant lot or other public place within the Curfew Area between the hours of 10:00 p.m. and 5:00 a.m. shall not be deemed to be in violation of this Ordinance under any of the following circumstances:

(A) Within those portions of the Apache, Navajo and Hopi Reservations located within the boundaries of Navajo County, this Ordinance shall not apply to Indians who reside on a Reservation or are otherwise not subject to the jurisdiction of the courts of the State of Arizona.

(B) The minor is accompanied by a parent, guardian or other adult having care, custody or control of the minor.

(C) The minor is on a bona fide emergency errand on behalf of the minor or another person.

(D) The minor has been specifically directed to the location for a reasonable, legitimate reason by a parent, guardian or other adult having care, custody or control of the minor.

(E) The minor is legally emancipated by reason of marriage, military service or other legally sufficient grounds.

(F) The minor is legally employed and is in possession of a written statement from the employer attesting to the place, days and hours of employment. This exception shall apply during the period from one (1) hour before the start of the minor's workday until one (1) hour after the end of the minor's workday, provided that the minor is traveling directly to or from work or is engaged in legitimate business of the employer.

(G) The minor is on the sidewalk in front of the home or building in which the minor resides. This exception shall apply during the period of 10:00 p.m. to 1:00 a.m. only.

(H) The minor is attending or returning directly home from a bona fide public meeting or entertainment event (such as a movie, play, concert, sporting event, or church or school activity) within the Curfew Area. This exception shall apply for one (1) hour after the completion of said meeting or event, but in no case later than 1:00 a.m. If the meeting or event is not clearly public in nature or does not have a fixed, publicly known time at which it will end, this exception shall apply only if the sponsoring individual or organization registers the meeting or event with the District Commander of the nearest sub-station of the Navajo County Sheriff at least twenty-four (24) hours before the start of the meeting or event. Said registration shall specify the times the meeting or event will begin and end, the place where it will be held, and the name of the sponsoring individual or organization. If such registration is made, this exception shall apply without further inquiry by the Sheriff's Office and without regard to whether the meeting or event is deemed appropriate for an exception to this Ordinance.

(I) The minor is in or on a motor vehicle engaged in bona fide interstate or intrastate travel through the Curfew Area. This exception shall also apply if the minor is engaged in bona fide interstate or intrastate travel beginning or ending within the Curfew Area, provided that the minor is en route to the residence of a parent, guardian, other adult having care, custody or control of the minor, or other adult approved in writing by the minor's parent, guardian or custodian.

(J) The minor is exercising rights protected by the First Amendment to the United States Constitution and is in possession of a written statement signed by the minor and a parent, guardian or other adult having the care, custody or control of the minor. Said statement shall be addressed to the District Commander of the nearest sub-station of the Navajo County Sheriff, be signed by the minor and responsible adult with the home address and telephone number of each, and specify when, where and for what purpose the minor will be in or upon a public place during the curfew period. If such statement is presented, this exception shall apply without further inquiry by the Sheriff's Office and without regard to whether the activity is deemed appropriate for an exception to this Ordinance.

Section 7: Severability.

If any section of this Ordinance is held to be invalid or unenforceable in whole or part by a court of competent jurisdiction, the portion held invalid or unenforceable shall be deemed stricken and the remainder of the Ordinance shall not be affected. If this Ordinance is held invalid or unenforceable as applied to any person or circumstances, the validity and enforceability as to other persons and circumstances shall not be affected.

PASSED AND ADOPTED by the Navajo County Board of Supervisors on July 7, 1997.

NAVAJO COUNTY BOARD OF SUPERVISORS

Jesse Thompson

JESSE THOMPSON
Chairman of the Board of Supervisors

Attest:

Judy Jones

Judy Jones
Clerk of the Board

Approved as to form:

Lance B. Payette

Lance B. Payette
Deputy County Attorney