

ORDINANCE NO. 50-1989

AN ORDINANCE AMENDING CHAPTER 20 OF THE ABILENE CITY CODE BY ADDING SECTION 20-9, REGULATING THE PRESENCE OF PERSONS AGE TWENTY (20) YEARS AND UNDER ON PRIVATE PROPERTY WITHOUT PERMISSION OF THE OWNER THEREOF AND IN PUBLIC STREETS AND ALLEYWAYS WITHIN ONE THOUSAND (1000) FEET FROM THE PROPERTY BOUNDARY LINE OF ANY LOT USED FOR SECONDARY SCHOOL PURPOSES, DECLARING A PENALTY, AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1. FINDING OF NEED TO PROTECT PUBLIC SAFETY: The City Council of the City of Abilene finds that criminal activity involving drugs, alcohol abuse, vandalism, and serious altercations resulting in violent physical assaults is escalating around the secondary schools of the City of Abilene involving individuals and groups of young persons, both students and non-students, age twenty (20) and under. This activity has occurred near school property but outside the jurisdiction of the school districts, and the City Council finds that students grouping together, both on foot and in vehicles, around private homes, in alleyways, and on public streets near school property before and after school hours are contributing in large part to the escalating criminal activity described above. The gatherings have created problems for the schools, private homeowners, residents, and businesses, as well contributed to an increase in crime, thus becoming a menace to the public peace, safety, health, and welfare of the City of Abilene, Texas, and the City Council finds that a curfew is necessary to address these problems in order to protect the citizens of the City of Abilene.

PART 2. CONGREGATING, GATHERING, LINGERING PROHIBITED: It shall be unlawful for any persons twenty (20) years of age and under to congregate, gather, linger or otherwise assemble, whether on foot or in vehicles on private property, without permission of the owner thereof, and in public streets and alleyways, within one thousand (1000) feet from the property boundary line of any lot used for secondary school purposes within the city limits of the City of Abilene, Texas, on official schooldays between the hours of 7:00 a.m. and 8:30 a.m., and between the hours of 2:30 p.m. and 4:30 p.m., official city time. It shall be a defense to prosecution under this section that such congregation, gathering, or assembly is sponsored and supervised by school personnel or said persons age twenty (20) years and under are accompanied by their parents, guardians, or other adults responsible for said persons subject to this curfew.

PART 3. PENALTY: Any person violating the provisions of Part 1 above shall be deemed guilty of a class C misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two hundred dollars (\$200.00), or the maximum amount for that class of offense as may be set by the state legislature in the Texas Code of Criminal Procedure.

PART 4. VALIDITY OF REMAINING PROVISIONS: That if any provision or section of this ordinance shall be held to be void or unconstitutional such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 5. EFFECTIVE DATE: This ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene, Texas.

PASSED ON FIRST READING THIS 7 DAY OF December, 1989.

PASSED ON SECOND AND FINAL READING THIS 21 DAY OF December, 1989.

ATTEST:

*D. Moore*  
CITY SECRETARY

*Dale Ferguson*  
MAYOR

APPROVED:

*Claudia Clinton*  
CITY ATTORNEY