

ORDINANCE No. P-2
ADOPTED October 18, 1982
REPEALED JUNE 3, 1998.

WITTMAN AREA CURFEW
ORDINANCE NO. 2

In order to reduce juvenile crime, protect the children of this area, and reinforce parental authority, be it enacted by the Maricopa County Board of Supervisors that in an area within the following boundaries: Dove Valley Road from 227th Avenue to 211th Avenue; south on 203rd Avenue to Jomax Road; west on Jomax Road to 211th Avenue to Dove Valley Road.

Section 1. It shall be unlawful for a child under the age of eighteen years, to be in or upon any other public street, highway, park, vacant lot or other public place between the hours of 11:00 p.m. and 5:00 a.m. on Friday, Saturday, Sunday and legal county, state and federal holidays.

Section 2. The following shall constitute valid exceptions to the operation of the curfew:

- a. At any time, if the child is accompanied by his or her parent, legal guardian;
- b. Until the hour of 1:00 a.m., if the child is on an errand directed by his or her parent or legal guardian;
- c. If the child is legally employed and carrying a written statement from the employer attesting to the place, days and hours of employment, for the period during employment and one hour before to one hour after work while going directly between his or her home and place of employment;
- d. Until the hour of 1:00 a.m. if the child is on the sidewalk in front of the building in which he or she resides ;
- e. If the child is coming directly home from a meeting or public entertainment such a movie, play, concert, sporting event, church or school activity, within the curfew area. This exception will apply for one hour after the completion of said event, but in no case later than 1:00 a.m. If the event is not public entertainment in nature or does not have a fixed, publicly-known time at which it will end, the sponsoring organization must register the event with the commander of the sheriff's office or substation having jurisdiction over the curfew area at least twenty-four hours in advance, informing it of the time such event is scheduled to begin, the place at which it will be held, the time at which it shall end, and the name of the sponsoring organization or individual. The sheriff's office shall not pass judgement upon the appropriateness of the meeting or event as a valid curfew exception;

- f. If the child is in or on a motor vehicle which is the area. This exception also applies to bona fide interstate or intrastate movement through the area. This exception also applies to bona fide interstate or intrastate travel beginning or ending in the curfew area if the child goes directly to the residence of a parent, guardian or responsible person who is eighteen years of age or older and approved by the child's parent or guardian.
- g. If the child is, due to a bona fide emergency situation, attempting to seek aid for himself/himself or another;
- h. When exercising first amendment rights protected by the United States Constitution. Such child and countersigned by a parent or guardian with the home address and telephone number of each signing party, addressed to the commander in the sheriff's substation having jurisdiction over the curfew area, specifying when, where, in what manner, and for what purpose said child will be on the streets during the hours when the curfew ordinance is otherwise applicable. The sheriff's office shall not judge the appropriateness of the activity which the child and adult claim as an exception to the ordinance.

Section 3. If a sheriff's deputy determines that the ordinances has been violated, the officer shall either order the child home or take the child to that child's home or temporary residence if it is within the boundaries of the curfew area. If the child's home is outside of the boundaries, and he or she is not temporarily staying with someone who resides within the boundaries of the curfew area, the deputy shall order the child out of the curfew area. Failure to comply with such valid orders from a deputy sheriff shall result in detention of said child.

Section 4. Detention as provided in Section 3 shall consist of transporting the child to the sheriff's department or substation where the child's parent or guardian shall be immediately contacted. If no parent is available to assume custody of the child within two hours, the child shall be transported and released to the custody of the juvenile court. Detention shall be in conformance with A.R.S. 8-223

Section 5. The court may impose a monetary assessment of up to fifty dollars (\$50.00) for violation of this ordinance.

Section 6. Severability is intended throughout and within the provisions of this curfew ordinance. If any provision, including any exception, part phrase or term, or the application thereof, to any person or circumstances is held invalid, the application to other persons or circumstances shall not be affected thereby, and the validity of the curfew ordinance in any and all other respects shall not be affected.

DATED AT PHOENIX, ARIZONA, THIS 18TH DAY OF OCTOBER 1982.

REPEALED JUNE 3, 1998.