

ORDINANCE NUMBER 31

Bill

**AN ORDINANCE ESTABLISHING A DAYTIME CURFEW
FOR MINORS SUBJECT TO THE STATE COMPULSORY EDUCATION ACT.**

Whereas, the Luna County Board of Commissioners determined that it is necessary that a daytime curfew for minors subject to the compulsory education act be imposed as part of the overall program initiated by Luna County to deter and prevent juvenile crime and delinquency;

NOW, THEREFORE, BE IT ORDAINED BY THE LUNA COUNTY BOARD OF COMMISSIONERS as follows:

Section 1 Short Title.

The ordinance shall be known as the "DAYTIME CURFEW ORDINANCE" and shall be referred to herein as "the ordinance".

Section 2 Authority.

This ordinance is enacted as an exercise of the county's inherent police power to protect the citizenry and peace within the county.

Section 3 General Prohibition.

No person under the age of eighteen (18) years and subject to the compulsory school attendance law shall be upon or about public streets, public places, or public places of amusement and entertainment within the County during the hours when said person is required by State law to be in attendance at either a public or private school, a home school, or a State institution.

Section 4 Accessory.

It shall be unlawful for a person to encourage or assist any person subject to the compulsory school attendance law to fail or refuse to attend or return to school unless said absence is excused by an appropriate school official or such absence is excused herein or otherwise recognized by State law.

Section 5. Parental Responsibility.

When a person subject to the compulsory school attendance law is found to be in violation of this section, the parent or legal guardian shall be cited and fined in accordance with the penalties herein. It is the intention of this section to hold the parents or legal guardian vicariously and strictly liable.

Section 6 Penalties.

The first violation of this ordinance shall result in a written warning being issued to the parent or legal guardian of the person in violation. The County Commission strongly recommends that five hours of community service be included for the first violation.

The second violation of this ordinance by the same person within twelve months of the first violation shall result in a fine of fifty dollars (\$50.00). The County Commission strongly recommends that 10 hours of community service be included for the second violation.

The third violation of this ordinance by the same person within twelve months of the first violation shall result in a fine of one hundred dollars (\$100.00).

Each subsequent violation of this ordinance by the same person within twelve months of the third violation shall result in a fine of one hundred fifty dollars (\$150.00).

Section 7 Notification.

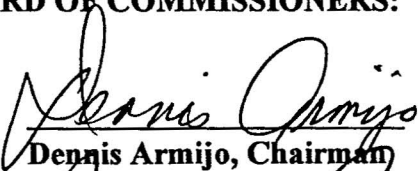
The identity of persons violating this ordinance shall be given to the proper school and State authorities.

Section 8 Effect.

This ordinance does not amend, modify or replace any provision of the New Mexico Compulsory School Attendance Law §22-12-1 et. seq. NMSA 1978. In the event any provision of this ordinance conflicts with any provision of said statute, the statute shall control.

**ADOPTED BY THE GOVERNING BODY OF LUNA COUNTY
THIS 14th DAY OF AUGUST, 1997.**

**LUNA COUNTY
BOARD OF COMMISSIONERS:**

By: 
Dennis Armijo, Chairman

Attest: 
Natalie Pacheco, County Clerk