

**ORDINANCE NO. P-12**  
**ADOPTED June 3, 1998**

**MARICOPA COUNTY ORDINANCE NO. 12**  
**CURFEW HOURS FOR MINORS**

**AN ORDINANCE RELATING TO CURFEW HOURS FOR MINORS WITHIN THE UNINCORPORATED AREAS OF MARICOPA COUNTY, ARIZONA; HEREBY REPEALING COUNTY ORDINANCES NO. P-1, LITCHFIELD PARK CURFEW; NO. P-2, WITTMANN AREA CURFEW; AND NO. P-9, SUN CITY - SUN CITY WEST CURFEW; AND ANY OTHERS COVERING THE SAME SUBJECT MATTER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

**WHEREAS**, in order to reduce juvenile crime, protect the citizens, including the children of Maricopa County, and to reinforce parental authority; and

**WHEREAS**, Title 11, Section 251 (40) of the Arizona Revised Statutes provides authority to the Board of Supervisors to enact curfews in the entire unincorporated area of the county,

**NOW THEREFORE, BE IT RESOLVED** by the Maricopa County Board of Supervisors as follows:

**SECTION 1. CURFEW HOURS FOR MINORS**

**A. Definitions:** In this section unless the context otherwise requires:

1. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action.
2. "Guardian" means:
  - a. a person who, under court order, is the guardian of the person of a minor
  - b. a public or private agency with whom a minor has been placed by an authorized agency or court
  - c. a person who is at least twenty-one (21) years of age and authorized by a parent or guardian to have the care and custody of a minor.
3. "Minor" means any person under eighteen (18) years of age.
4. "Parent" means a person who is a natural parent, adoptive parent or step-parent of another person.

**B. Offenses:**

1. It is unlawful for any minor under the age of sixteen (16) years to be in, about, or upon any place in the unincorporated areas of Maricopa County away from the property where the youth resides between the hours of 10:00 P.M. and 5:00 A.M. of the following day.
2. It is unlawful for any minor sixteen (16) years and older and under the age of eighteen (18) years, to be in, about, or upon any place in the unincorporated areas of Maricopa County away from the property where the minor resides between the hours of 12:00 Midnight and 5:00 A.M.

**C. Defenses/Exceptions:**

In all unincorporated areas of Maricopa County a minor is NOT violating a curfew if:

1. Accompanied by the minor's parent, guardian, or an adult having supervisory custody.
2. With prior permission of the parent or guardian, in a motor vehicle involved in interstate travel.
3. Has been specifically directed to the location on reasonable, legitimate business or some other activity by the parent, guardian or adult having supervisory custody.
4. With prior permission of the parent or guardian, in an employment activity or going to or returning home by the most direct route from an employment activity without any detour or stop.
5. Involved in an emergency.
6. With prior permission of the parent or guardian, engaged in a reasonable and legitimate exercise of First Amendment rights protected by the United States Constitution.
7. Married and sixteen (16) years of age or over, or in the military.
8. On the sidewalk abutting their residence or on the next door neighbor's property with the consent of the neighbor.

**D. Enforcement.**

1. Before taking any enforcement action under this section, a law enforcement officer shall attempt to ascertain the apparent offender's age and reason for being in the place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that based upon the circumstances, the

minor's responses and minor's conduct, no defense as provided in subsection C of this section is probably present.

2. In addition to any other powers he/she may have, any law enforcement officer who arrests a minor for violating any of the provisions of Section 1 B(1) or B(2) is also hereby empowered to demand of the parent, guardian or other person having the care, custody or supervision of the minor that such parent, guardian or other person come and take custody of the minor. The law enforcement officer is also empowered to take the minor to a designated location where arrangements can be made for a parent, guardian or other appropriate party to take custody of the minor. Should there be a failure of the parent, guardian or other person to take custody of such minor, the officer may then be empowered to take the minor home.

**SECTION 2.** Each violation of the provisions of this curfew ordinance shall constitute a separate offense.

**SECTION 3.** A violation of any provision of this curfew ordinance is designated an incorrigible offense for minors.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**BE IT FURTHER RESOLVED**, that for the preservation of the peace, health, and safety of the unincorporated areas of Maricopa County, Arizona, an emergency is declared to exist, and this ordinance shall become immediately operative and in force from the date of adoption by the Board of Supervisors.

**PASSED AND ADOPTED** by the Board of Supervisors of Maricopa County, Arizona, this 3rd day of June, 1998.

NOTE: This Ordinance repealed the Litchfield Park, Sun City/ Sun City West, Wittman and other applicable area curfews in Maricopa County.