

ORDINANCE NO. 02-2026

**AN ORDINANCE AMENDING SEC. 10-6-40 OF THE GARDEN
CITY MUNICIPAL CODE REGARDING CURFEW FOR
MINORS – EXCEPTIONS**

WHEREAS, the Town of Garden City, has determined that the Garden City Municipal Code needs to be amended concerning Curfew for Minors; and

WHEREAS, minors have a First Amendment interest and right to travel; and

WHEREAS, the Board of Trustees has determined that it is in the best interest of the Town of Garden City to have the Town's code concerning curfew for minors in compliance with the state Constitution.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GARDEN CITY, COLORADO AS FOLLOWS:

Section 1. Amendment of Article 6, Chapter 10 – General Offenses, Section 10-6-40
Curfew hours for minors - exceptions of the Garden City Municipal Code - is hereby repealed in
its entirety and replaced with the following:

- (a) It is unlawful for any person who has not reached 16 years of age, or for any parent, guardian or other person having legal custody of any minor who has not reached 16 years of age to knowingly allow or permit a minor to loiter upon any public road, street or alley, in any establishment open to the public, or in any other public place in the Town between the hours of 11:00 p.m. and 5:00 a.m., except:
 - (1) When accompanied by a parent, guardian or other person having legal care or custody of such minor;
 - (2) For lawful employment; or
 - (3) When such minor is in the custody of and accompanied by a person who has reached the age of 18 years and who has in his or her possession the written consent of the parent, guardian or other person having legal care or custody of such minor.
 - (4) In a parked, standing or moving vehicle while accompanied by a parent, guardian, or other adult person;
 - (5) In a motor vehicle in interstate travel; or
 - (6) Engaged in any school, religious, civic, or social activity, directly going to or returning from any such activity or going to or from any other activities of any kind which are supervised or directed by a parent or adult person.

(b) It shall be an affirmative defense to a charge under this Section that, at the time of the violation, the minor was:

(1) Not loitering; or

(2) Exercising rights protected by the First Amendment of the United States Constitution, such as the free exercise of religion, freedom of speech, or the right of assembly.

(c) For purposes of this Section, to "loiter" or the act of "loitering" shall mean remaining idle in one (1) location, to be dilatory, to tarry or to dawdle and shall include without limitation standing around, sitting, kneeling, sauntering or prowling in a public place.

Section 2. Penalties. Any person convicted of any violation of this ordinance may be punished pursuant to Sec. 1-4-20 of the Garden City Municipal Code. Each day that a violation of this Ordinance continues shall be considered a separate offense.

Section 3. Severability. Should any section, clause, sentence or part of this ordinance be adjudged by a court of competent jurisdiction to be unconstitutional, and or invalid, such adjudication shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after publication as required by law.

PASSED, ADOPTED AND APPROVED THIS 17TH DAY OF FEBRUARY, 2026.

TOWN OF GARDEN CITY

By: _____
Mayor

ATTEST:

Town Clerk