

ORDINANCE NO. 20231010-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, FULLY REPEALING THE CURFEW ORDINANCE IN CHAPTER 13 MISCELLANEOUS OFFENSES, ARTICLE II. MINORS, DIVISION 2 CURFEW, SECTIONS 13-51 THROUGH 13-60 OF THE CODE OF ORDINANCES OF THE CITY OF ANGLETON; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Legislature has enacted House Bill 1819 on June 9, 2023, which is effective as of September 1, 2023; and

WHEREAS, House Bill 1819 adds Section 370.007 to the Local Government Code, which provides, “Sec. 370.007 JUVENILE CURFEW PROHIBITED. (a) Notwithstanding any other law, a political subdivision may not adopt or enforce an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age; (b) This section does not apply to a curfew implemented under Chapter 418, Government Code, for purposes of emergency management.”; and

WHEREAS, the City Council of the City of Angleton wishes to fully repeal the Curfew Ordinance in Chapter 13 Miscellaneous Offenses, Article II, Minors, Division 2 Curfew, Sections 13-51 through 13-60 of the Code of Ordinances of the City of Angleton; and

WHEREAS, as authorized under law, the City Council deems it expedient and necessary to repeal the above referenced Curfew Ordinance in Sections 13-51 through 13-60 of the City’s Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

SECTION 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. The City Council hereby fully repeals the Curfew Ordinance in Chapter 13 Miscellaneous Offenses, Article II, Minors, Division 2 Curfew, Sections 13-51 through 13-60 of the City’s Code of Ordinances, in their entirety.

SECTION 3. *Severability.* In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas,

declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional whether there be one or more parts.

SECTION 4. *Repeal.* All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 5. This ordinance shall take effect immediately upon adoption.

PASSED, APPROVED, AND ADOPTED ON THIS THE 10TH DAY OF OCTOBER, 2023.

CITY OF ANGLETON, TEXAS

John Wright
Mayor

ATTEST:

Michelle Perez, TRMC
City Secretary