

ORDINANCE

AN ORDINANCE READOPTING THE JUVENILE CURFEW ORDINANCE CONTAINED IN ARTICLE IV "CURFEW" OF CHAPTER 54 "MISCELLANEOUS OFFENSES" OF THE CODE OF ORDINANCES, CITY OF BURLESON, TEXAS MAKING IT AN OFFENSE FOR MINORS, PARENTS AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS TO VIOLATE CURFEW REGULATIONS; PROVIDING DEFENSES; PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE; INCORPORATING THE RECITALS INTO THE BODY OF THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION; AND PROVIDING FOR PENALTIES.

WHEREAS, the City of Burleson, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, on April 12, 2001, the City Council of the City of Burleson adopted Ordinance B-662, codified in Article IV of Chapter 54 of the City of Burleson Code of Ordinances, providing for a juvenile curfew; and

WHEREAS, on October 7, 2019, the City Council of the City of Burleson amended Ordinance B-662 by adopting Ordinance No. CSO#1129-09-2019 (together the "Juvenile Curfew Ordinance"); and

WHEREAS, pursuant to Section 370.002 of the Texas Local Government Code, before the third anniversary of the date of adoption of a juvenile curfew ordinance, and every third year thereafter, the governing body of the home-rule municipality is required to "review the ordinance's effects on the community and on the problems the ordinance was intended to remedy, conduct public hearings on the need to continue, abolish, or modify the ordinance"; and

WHEREAS, the City Council last reviewed Juvenile Curfew Ordinance on October 7, 2019; and

WHEREAS, on September 6, 2022, and September 19, 2022, the City Council reviewed information provided by the Burleson Police Department regarding citations and curfew cases; and

WHEREAS, on September 6, 2022, the City Council held a public hearing on the Juvenile Curfew Ordinance and heard all persons desiring to speak on the matter; and

WHEREAS, the City Council finds the Juvenile Curfew Ordinance also encourages parents to take responsibility for the whereabouts of their minor children; and

WHEREAS, the City Council desires to provide for the protection of minors and for the enforcement of parental control; and

WHEREAS, the City Council reviewed the Juvenile Curfew Ordinance's effects on the community and the problems the ordinance is intended to remedy; and

WHEREAS, the City Council deems it necessary and proper and in the best interests of the public health, safety, and general welfare to continue a curfew for persons under 17 years of age.

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

Section 1.

Ordinance B-662 as amended by Ordinance No. CSO#1129-09-2019, codified in Article IV of Chapter 54 of the City of Burleson Code of Ordinances, providing for a juvenile curfew is hereby readopted, ratified, republished, and extended pursuant to Texas Local Government Code Section 370.002.

Section 2.

The findings set forth above in the recitals of this Ordinance are incorporated into the body of this Ordinance as if fully set forth herein.

Section 3.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4.

Any complaint, notice, notice of violation, action, cause of action, hearing request, appeal, or claim which prior to the effective date of this Ordinance that has been initiated or arisen under or pursuant to Ordinance No. B-622, Ordinance No. CSO#1129-09-2019, or any other ordinance(s) shall continue to be governed by the provision of that ordinance or ordinances, and for that purpose that ordinance or ordinances shall be deemed to remain and shall continue in full force and effect.

Section 5.

That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence,

clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 6.

That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Burleson, and that the sections of this ordinance may be renumbered or relettered to accomplish such intention.

Section 7.

That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 8.

This ordinance shall become effective immediately upon its passage and publication as required by law.

Section 9.

That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Section 54-115 of the Code of Ordinances of the City of Burleson which shall be a fine not exceeding \$500.00, and each day a violation exists shall be a separate offense.

PASSED AND APPROVED:

First Reading: the _____ day of _____, 20_____.

Final Reading: the _____ day of _____, 20_____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney