

ORDINANCE NO. _____

APPROVAL OF ORDINANCE # _____ (A) REPEALING ARTICLE V OF CHAPTER 66 OF THE CITY OF MISSION'S CODE OF ORDINANCES (CURFEW FOR MINORS) TO COMPLY WITH HB 1819, RECENTLY ADOPTED BY THE 88TH TEXAS LEGISLATURE AND (B) RESERVING ARTICLE V, SECTIONS 66-151 - 66-190 FOR CODIFICATION OF LATER ORDINANCES.

WHEREAS, the City Council adopted Ordinance No. 1653, on January 27, 2002 and Ordinance 1789, on November 22, 1993, commonly known as the Curfew Ordinance; and

WHEREAS the 88th Texas Legislature repealed the authority of a political subdivision to adopt or enforce juvenile curfews; and

WHEREAS, HB 1819 amended Chapter 370 of the Local Government Code, by adding Section 370.007 to read as follows: JUVENILE CURFEWS 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, HB 1819 states a violation of a juvenile curfew ordinance or order may not be prosecuted or adjudicated after the effective date of this Act. If on the effective date of this Act a criminal or civil action is pending for a violation of a juvenile curfew ordinance or order, the action is dismissed on that date. However, a final conviction or adjudication for a violation of a juvenile curfew ordinance or order that exists on the effective date of this Act is unaffected by this Act.

WHEREAS, HB 1819 takes effect on September 1, 2023.

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

Section 1: Repeal: ARTICLE V. - Curfew for Minors and Additional Regulations Pertaining to Minors be repealed and for Secs. 66-157—66-190. be reserved for future codification of ordinances.

Section 2: Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

Section 3: Codification: The City Secretary is hereby directed to record and publish the attached rule, regulations, and policies in the City's Code of Ordinances.

Section 4: Effective Date: This Ordinance shall be effective immediately upon passage and publication.

Section 5: Proper Notice and Meeting: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

CONSIDERED, PASSED, AND APPROVED this 24th day of July, 2023.

Norie Gonzalez-Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

Victor A. Flores, City Attorney