

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, REPEALING IN ITS ENTIRETY ARTICLE 8.04, "CURFEW FOR MINORS," OF CHAPTER 8, "OFFENSES AND NUISANCES," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS; MAKING FINDINGS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Prosper, Texas ("Town"), is a home-rule municipal corporation duly organized under the laws of the State of Texas; and

WHEREAS, Chapter 8, "Offenses and Nuisances," of the Prosper Code of Ordinances contains Article 8.04, entitled "Curfew for Minors," which article generally provides for a curfew making it unlawful for minors under 17 years of age to be in any public area between certain hours; and

WHEREAS, House Bill 1819, which was adopted by the 88th Texas Legislature, Regular Session, became effective on September 1, 2023, and which bill, in part, prohibits cities from adopting or enforcing an ordinance or other measure that imposes a curfew on juveniles; and

WHEREAS, as a consequence, the Town's juvenile curfew is no longer enforceable; and

WHEREAS, this ordinance amends the Code of Ordinances by repealing in its entirety the Town's Juvenile Curfew Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

All of the above premises are found to be the true and correct legislative determinations of the Town of Prosper and they are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Article 8.04, "Curfew for Minors," of Chapter 8, "Offenses and Nuisances," of the Code of Ordinances of the Town of Prosper, Texas, is hereby repealed in its entirety.

SECTION 3

All provisions of any ordinance in conflict with this ordinance are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 4

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Town of Prosper hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5

This ordinance shall become effective after its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 9TH DAY OF JANUARY, 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney