

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS, RESCINDING AND REPEALING ARTICLE 8.02 MINORS OF THE WILLOW PARK CODE OF ORDINANCES WHICH ESTABLISHED A JUVENILE CURFEW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park (“City”), located in Parker County, Texas, is a Type A, general law municipality authorized under Texas state law to legislate in the best interests of its residents; and

WHEREAS, Section 51.001 of the Texas Local Government Code provides, in part, that the City “may adopt . . . an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality . . . and is necessary or proper for carrying out a power granted by law to the municipality”; and

WHEREAS, Section 51.012 of the Texas Local Government Code provides, in part, that a municipality may adopt an ordinance “that is necessary for the government, interest, welfare, or good order of the municipality as a body politic”; and

WHEREAS, the City Council adopted a juvenile curfew pursuant to Ordinance Number 840-21 adopted on or about September 28, 2021 that was codified in the Willow Park Code of Ordinances in Article 8.02 Minors (the “Juvenile Curfew Ordinance”); and

WHEREAS, the Texas 88th Legislature, in its regular session, enacted House Bill 1819 prohibiting a political subdivision from adopting or enforcing an ordinance that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age; and

WHEREAS, the City desires to comply with House Bill 1819 and rescind and repeal the Juvenile Curfew Ordinance.

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

I. **ENACTMENT.** The Juvenile Curfew Ordinance codified in Article 8.02 Minors, contained in the Willow Park Code of Ordinances, is hereby rescinded and repealed in its entirety.

II. **SEVERABILITY CLAUSE:** If any section, subsection, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

III. **SAVINGS CLAUSE**: All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed. The balance of such ordinance not in conflict is hereby saved from repeal.

IV. **EFFECTIVE DATE**: This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication of the caption of the Ordinance in a newspaper of general circulation within the City, as may be required by law.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Willow Park, Texas, on this the 12th day of September, 2023.

Doyle Moss, Mayor

ATTEST:

Crystal Dozier, City Secretary

APPROVED AS TO FORM:

William P. Chesser, City Attorney

The Willow Park City Council is acting on Ordinance No. _____, did on the 12th day of September, 2023 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Doyle Moss	_____	_____	_____
Eric Contreras, Place 1	_____	_____	_____
Chawn Gilliland, Place 2	_____	_____	_____
Greg Runnebaum, Place 3	_____	_____	_____
Lea Young, Place 4	_____	_____	_____
Nathan Crummel Place 5	_____	_____	_____