

ORDINANCE NO. 2081

AN ORDINANCE MODIFYING AND CONTINUING IN EFFECT SECTION 50-27, "CURFEW HOURS FOR MINORS", OF THE CODE OF ORDINANCES OF THE CITY OF EULESS, TEXAS; REFLECTING COMPLIANCE WITH ALL REQUIREMENTS OF STATE LAW; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVING CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Euless, Texas, after study, enacted Euless Ordinance No. 1144 on July 12, 1994, adding to the Euless Code of Ordinances Section 50-27, imposing curfew hours for minors as defined therein, and providing certain exceptions, rules and regulations for the enforcement thereof; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that such an ordinance be reexamined before the third anniversary of the date of adoption of a juvenile curfew ordinance and every third year thereafter, to determine whether such provisions should be continued in effect, modified or abolished; and

WHEREAS, the Euless City Council enacted Ordinance No. 1229 on May 27, 1997, Ordinance No. 1425 on May 9, 2000, Ordinance No. 1592 on May 13, 2003, Ordinance No. 1727, on March 28, 2006, Ordinance No. 1843, on June 23, 2009, Ordinance No. 1958, on June 26, 2012, and Ordinance No. 2069, on June 23, 2015, reenacting and continuing in effect the provisions of said juvenile curfew ordinance; and

WHEREAS, the City Council of the City of Euless, Texas, has conducted a review of its curfew ordinance's effect on the community and on the problems the ordinance was intended to remedy; and

WHEREAS, the Euless City Council has conducted public hearings on the need to continue in effect the Euless juvenile curfew ordinance; and

WHEREAS, based on its review of the ordinance's effects on the community and on the problems the ordinance was intended to remedy, and based on input obtained at the public hearing, the Euless City Council now finds and determines that the current juvenile curfew ordinance provisions in effect within the City should be modified by deleting daytime curfew hours for minors between 9:00 a.m. and 2:30 p.m. on Monday through Friday, while school is in session.

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

SECTION 1.

Section 50-27, "Curfew hours for minors", of the Euless Code of Ordinances, is hereby amended by amending subsection (a) "Definitions" by deleting paragraph (3) under the definition of "Curfew hours" relating to daytime curfew hours between 9:00 a.m. and 2:30 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday, while school is in session, and by amending subsection (c) "Defenses" by deleting paragraphs (3) and (4). The remainder of the curfew regulations for minors are hereby continued in effect within the corporate limits of the City of Euless, Texas for another three years.

SECTION 2.

CUMULATIVE CLAUSE. This Ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of Euless, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

SEVERABILITY CLAUSE. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

SAVINGS CLAUSE. All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of the City Code or any other ordinances regulating curfews that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

PENALTY CLAUSE. Any person, firm or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Chapter 1, Section 1-12, Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION 6.

PUBLICATION CLAUSE. The City Secretary of the City of Euless is hereby directed to publish the caption, penalty clause and effective date of this ordinance in the official newspaper of the City of Euless, as required by Section 12 of Article II of the Charter of the City of Euless.

SECTION 7.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as provided by the Euless City Charter and the laws of the State of Texas.

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on August 25, 2015, by a vote of ____ ayes, ____ nays, and ____ abstentions.

APPROVED:

APPROVED AS TO FORM:

Linda Martin, Mayor

Wayne K. Olson, City Attorney

ATTEST:

Kim Sutter, TRMC, City Secretary