

ORDINANCE NO. 23-127

**AN ORDINANCE OF THE FORT STOCKTON CITY COUNCIL,
AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT
STOCKTON, TEXAS, CHAPTER 14, TITLED MISCELLANEOUS
OFFENSES*, ARTICLE III. JUVENILE CURFEW, BY
RESCINDING ORDINANCE NO. 14-106, PASSED ON JUNE 9, 2014
(IMPLEMENTATION OF REGULATIONS AND FEES ASSOCIATED
WITH THE JUVENILE CURFEW) IN RESPONSE TO HOUSE BILL 1819,
EFFECTIVE SEPTEMBER 1, 2023; PROVIDING A SAVINGS CLAUSE, A
SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; FINDING AND
DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE
IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS
REQUIRED BY LAW.**

WHEREAS, the City Council of the City of Fort Stockton, Texas ("City Council") previously adopted a juvenile curfew ordinance as authorized by state law to help protect the public health, safety and welfare of the City of Fort Stockton, Texas ("City" or "Fort Stockton"); and

WHEREAS, during the 2023 Legislative Session, the Texas Legislature adopted House Bill 1819 to prohibit a political subdivision such as Fort Stockton from adopting or enforcing an order, ordinance or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age, except for curfews implemented under Chapter 418 of the Texas Government Code for purposes of emergency management; and

WHEREAS, House Bill 1819 is effective on September 1, 2023; and

WHEREAS, the City Council therefore finds that it is necessary to amend Chapter 14, titled Miscellaneous Offenses, Article III. Juvenile Curfew of the Code of Ordinance of Fort Stockton, Texas ("Code of Ordinances") and to repeal Ordinance No. 14-106 to comply with the new state law; and

WHEREAS, Fort Stockton has complied with all legal notices and public hearings as required by law; and

WHEREAS, the City Council finds that adopting this Ordinance is in the best interest of the citizens of Fort Stockton.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT STOCKTON, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Rescinding. Amending Chapter 14, titled Miscellaneous Offenses*, Article III. Juvenile Curfew of the Code of Ordinances, Repealing Ordinance No. 14-106 in its entirety. The effective date of the repeal discussed in this Section shall not occur until the effective date of this ordinance, at which time Ordinance No. 14-106 shall be repealed. Such repeal shall not abate any pending prosecution or lawsuit or prevent any prosecution or lawsuit from being commenced for any violation of Ordinance No. 14-106 occurring prior to the effective date of this ordinance.

SECTION 3: Severability. If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 4: Savings. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 5: Open Meeting. The meeting at which this Ordinance was introduced and passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

SECTION 6: Publication. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

SECTION 7: Effective Date. This Ordinance shall become effective on upon its first & final reading and its publication pursuant to law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORT STOCKTON, TEXAS on this 11th day of September 2023.



CITY OF FORT STOCKTON

Paul Casias

Paul Casias, Mayor

Frank Rodriguez III

Frank Rodriguez III, City Manager

Attest:

Marina L. Cantu

Marina Cantu, City Secretary

Approved As To Form & Legality

Puja Boinpally

Puja Boinpally, City Attorney