

ORDINANCE NO. 2023-O-143

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, REPEALING CHAPTER 21, ARTICLE VII, IN ITS ENTIRETY, OF THE CODE OF ORDINANCES, DUE TO THE PASSAGE OF HOUSE BILL 1819 THAT REPEALS THE AUTHORITY OF A CITY TO ADOPT A JUVENILE CURFEW, WHICH WILL TAKE EFFECT ON SEPTEMBER 1, 2023, PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the State of Texas passed House Bill 1819 on June 9, 2023, and;

WHEREAS, House Bill 1819 repeals the authority of political subdivisions to adopt and/or enforce juvenile curfews and;

WHEREAS, House Bill 1819 amends section 370.007 of the Texas Local Government Code and;

WHEREAS, Chapter 27, Article VII is hereby preempted.

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

Section 1. The City of Laredo Code of Ordinances, Chapter __, Article __, is hereby amended as follows:

ARTICLE VII. CURFEW

~~Sec. 21-141. Definitions.~~

~~For purposes of this article, the following words and phrases shall have the meanings ascribed to them as indicated:~~

~~Curfew hours means:~~

~~(1) 8:30 a.m. on any Monday, Tuesday, Wednesday, Thursday, and Friday, until 3:30 p.m. of that same afternoon while school is in regular session.~~

~~(2) 12:01 a.m. on any Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday until 6:00 a.m. of the same day.~~

~~*Direct route* means the shortest path of travel through public places to reach the destination without detours or additional stops at any other destinations along the way.~~

~~*Emergency* means an unforeseen circumstance, or combination of circumstances, or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action or immediate medical care to prevent serious bodily injury or loss of life to himself or another person.~~

~~*Establishment* means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.~~

~~*Guardian* means:~~

~~(1) Any person to whom custody, or guardianship of a minor has been given by a court order; or~~

~~(2) A public or private agency with whom a minor has been placed by a court.~~

~~*Minor* means any person seventeen (17) years of age or under.~~

~~*Operator* means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The terms shall include the members or partners of an association or partnership and the officers of a corporation.~~

~~*Parent* means a parent who is the natural or adoptive parent or grandparent of another person seventeen (17) years of age and under. As used herein parent shall also include a court-appointed guardian or other person eighteen (18) years of age or older, authorized by the parent, by a court order or by the court-appointed guardian to have the care and custody of a minor.~~

~~*Public place* means any place to which the, public or a substantial group of the public has access and includes, but is not limited to: streets, alleys, highways, sidewalks, playgrounds, parks, plazas or places used or open to members of the public or any public buildings, places of business, amusement or entertainment and the common areas of schools, hospitals, apartment houses office buildings, public and private transportation facilities and shops.~~

~~*Religious activity* means any function or event sponsored by a religious organization that has received tax exemption under section 501(C)(3) of U.S.C.~~

~~*Remain* means to:~~

~~(1) Linger or stay; or~~

~~(2) Fail to leave the premises when requested to do so by a police officer or the owner, operator, or other person who is in control of the premises.~~

~~*Serious bodily injury* means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.~~

~~(Ord. No. 2011-O-092, § 1, 8-1-11)~~

Sec. 21-142. Offenses.

- (a) ~~It shall be unlawful for any minor to remain, walk, run, idle, wander, stroll or aimlessly drive or ride about in or upon any public place within the city limits of the city between the hours of 8:30 a.m. and 3:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, and Friday, while school is in regular session.~~
- (b) ~~It shall be unlawful for any minor to remain, walk, run, idle, wander, stroll or aimlessly drive or ride about in or upon any public place within the city limits of the city between the hours of 12:01 a.m. on any Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday and 6:00 a.m. of the same day.~~
- (c) ~~It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of any provisions of the curfew imposed by this Code.~~
- (d) ~~A parent or guardian commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.~~
- (e) ~~It shall be unlawful for any person to induce, encourage, or to assist any person seventeen (17) years of age or under to do any act in violation of any provisions of this article.~~
- (f) ~~The owner, operator, or any employee of an establishment commits an offense if he knowingly and habitually allows a minor to remain upon the premises of the establishment during curfew hours.~~

(Ord. No. 2011-O-092, § 1, 8-1-11)

Sec. 21-143. Defenses.

- (a) ~~It is a defense to prosecution under chapter 21, article VII, section 21-142, subsections (b), (c), (d), (e), or (f), of the Code of Ordinances of the City of Laredo that:~~
 - (1) ~~The minor is accompanied by his or her parent or legal guardian or spouse.~~
 - (2) ~~The minor is upon an errand by his or her parent or spouse, or one made necessary by an emergency.~~
 - (3) ~~The minor is in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through a curfew area is the most direct route.~~
 - (4) ~~The presence of the minor is connected with or required with respect to a religious activity or a business, trade, profession or occupation in which such minor is lawfully engaged.~~
 - (5) ~~The minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.~~
 - (6) ~~The minor is married or had been married or has had disabilities of minority removed in accordance with V.T.C.A., Family Code chapter 31.~~

- ~~(7) The minor is attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or other similar entity that takes responsibility for the minor, or is going to or returning from without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor.~~
 - ~~(8) The minor is moving by a direct route through a curfew area or to his or her home or school in a curfew area.~~
 - ~~(9) The minor is on the sidewalk of the place where such minor resides or on the sidewalk of either next door neighbor and who is not communicating an objection or complaint as to the presence of the minor to the police officer.~~
 - ~~(10) The minor has a duly authorized and signed written permission to leave campus endorsed by a school official or administrator.~~
 - ~~(11) The minor has a duly authorized and signed school issued off-campus pass, endorsed by a school official or administrator.~~
 - ~~(b) It is a defense to prosecution under subsections 21-142(e) or (f) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and had refused to leave.~~
 - ~~(c) With respect to the hours between 8:30 a.m. and 3:30 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday only, it is a defense that the school which the minor attends was not in regular session, or is on a school-authorized and permitted off-campus lunch period, or that the minor is a high school graduate or has equivalent certification, or that the minor is on an excused absence from his or her place of schooling.~~
 - ~~(d) It is not a defense to prosecution under subsection 21-142(a) of the Code of Ordinances of the City Laredo that the minor has been expelled from school by a properly authorized school official or administrator in accordance with that school or school-districts policies and procedures.~~
- ~~(Ord. No. 2011-O-092, § 1, 8-1-11)~~

~~Sec. 21-144. Enforcement procedure.~~

~~Before taking any enforcement action under this section, a police officer shall first ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defenses as set out in section 21-143 are present.~~

~~(Ord. No. 2011-O-092, § 1, 8-1-11)~~

~~Sec. 21-145. Penalties.~~

- ~~(a) Any person who violates a provision of this article is guilty of a separate offense for each day or part of each day during which the violation is committed, continued, or permitted.~~

~~Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00) or reasonable community service. Any person convicted of violating the provisions of this article shall be guilty of a class "C" misdemeanor.~~

- ~~(b) When required by V.T.C.A., Family Code § 51.08, as amended, the municipal court shall waive original jurisdiction over a minor who violates section 21.142 subsections (a), (b), or (c) and shall refer the minor to juvenile court, and shall be dealt with in accordance with the provisions of V.T.C.A., Family Code title 3 (Vernon 1975).~~
- ~~(c) The parents of a minor, or any person, or any establishment or operator interfering with the enforcement of this article or violating this article shall be cited to appear before the municipal court, and upon conviction, shall be guilty of a class "C" misdemeanor, which shall be punishable by a fine not to exceed five hundred dollars (\$500.00).~~

~~(Ord. No. 2011-O-092, § 1, 8-1-11)~~

Note: This Section is preempted as per Sec. 370.007 of the Texas Local Government Code, which will take effect on September 1, 2023.

Section 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such 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 unconstitutional phrase, clause, sentence, paragraph or section.

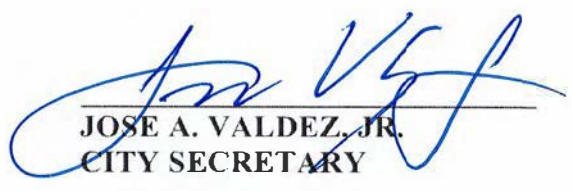
Section 5. This Ordinance shall become effective on September 1, 2023.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR
ON THIS 2nd DAY OF August 2023.



DR. VICTOR D. TREVINO
MAYOR
CITY OF LAREDO

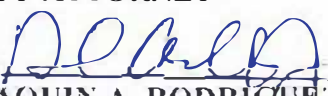
ATTESTED:



JOSE A. VALDEZ, JR.
CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

BY: 
For: JOAQUIN A. RODRIGUEZ
ASSISTANT CITY ATTORNEY



City Council-Regular

Meeting Date: 08/07/2023

Initiated By: Joaquin A. Rodriguez

Staff Source: Legal

SUBJECT

2023-O-143 An ordinance of the city of Laredo, Texas, repealing chapter 21, article vii, in its entirety, of the code of ordinances, due to the passage of house bill 1819 that repeals the authority of a city to adopt a juvenile curfew, which will take effect on September 1, 2023, providing that this ordinance shall be cumulative; providing a severability clause; providing for publication; and declaring an effective date.

VENDOR INFORMATION FOR COMMITTEE AGENDA

NA

PREVIOUS COUNCIL ACTION

NA

BACKGROUND

NA

COMMITTEE RECOMMENDATION

NA

STAFF RECOMMENDATION

Staff recommends approval.

Attachments

Repeal of Juvenile Curfew

cellaneous

**OMPRO CARROS
PARA YONKI!
30 EN ADELANTE!
(956) 326-5908**

Legals/Public Notices

**of Laredo Purchasing
Division**

Notice to Bidders

City of Laredo is requesting for Primary Depository or Finance Department, to the Terms and Conditions and other contract provisions. Copies of the specifications may be obtained from Finance Department - Purchasing Division, 5512 Thomas Laredo, TX 78041 or by downloading from our website: cityoflaredo.ionwave.net/itSourcingEvents.aspx. Bids for bids may be handed at the City Secretary, 1110 Houston St., 3rd. Laredo, Texas 78040 until **Monday, August 30, 2023 11:00 A.M.** on August 30, 2023. Bids received will be opened and publicly acknowledged at 10:00 A.M. on August 30, 2023.

Delivered statements are submitted in a sealed envelope clearly marked:

**175 - Primary
itory Bank -
e Department**

Statements are to be submitted to the City Secretary. Bid: cityoflaredo.ionwave.net/asp. Delivered: Laredo - City Secretary, Jose A. Valdez, Jr., 1110 Houston St., Third Floor, Laredo, Texas 78040.

City of Laredo reserves the right to reject any and all bids and to waive any irregularities.

ESS MY HAND AND
ON THIS 9th DAY OF
AUGUST 2023.

[Signature]
Jose A. Valdez Jr.
City Secretary

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**Bodega, Yarda y Oficina
en Renta, compartida
son 5,500 Piez de Bodega
a .75 centavos el pie.
Ubicada en
ITC Industrial Park
Telefono: (956) 242-5440**

Legals/Public Notices**Legals/Public Notices**

ORDINANCE NO. 2023-O-124

AMENDING THE ZONING ORDINANCE MAP OF THE CITY OF LAREDO BY AUTHORIZING THE ISSUANCE OF A SPECIAL USE PERMIT FOR A RESTAURANT SERVING ALCOHOL ON THE EAST 1/2 OF LOT 2 AND LOT 3, BLOCK 123, CITY OF LAREDO WESTERN DIVISION, CONVEYED TO LAREDO INDEPENDENT SCHOOL DISTRICT, ET.AL., RECORDED IN VOLUME 105, PAGE 684, OFFICIAL PUBLIC RECORDS OF WEBB COUNTY, TEXAS, LOCATED AT 1714 HOUSTON STREET; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

L-11

Legals/Public Notices**Legals/Public Notices**

ORDINANCE NO. 2023-O-126

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY REZONING APPROXIMATELY 0.44 ACRE TRACT OF LAND, OUT OF SHARPE 8 OF THE DI-ONICI RODRIGUEZ PARTITION, OUT OF A 16.1068 ACRE TRACT OF LAND, DESCRIBED IN DEED RECORDED IN VOLUME 846, PAGES 782-784, DEED RECORDS, WEBB COUNTY, TEXAS, SITUATED IN PORCION 23, LEONARDO SANCHEZ, ABSTRACT 283, WEBB COUNTY, TEXAS, LOCATED SOUTH OF SHILOH DRIVE AND WEST OF SNOW FALLS DRIVE, FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO B-1 (LIMITED BUSINESS DISTRICT); PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

L-13

GENERAL HELP

**El Rancherito meat market
11092 Mines Rd.
busca personal con disponibilidad de
horario y ganas de trabajar:
carniceros, cajeros, stockers
y cocineras
pueden llamar para mayor
información al (956)753-0909**

Legals/Public Notices**Legals/Public Notices**

ORDINANCE NO. 2023-O-125

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY AMENDING ORDINANCE 2013-O-139, WHICH AUTHORIZED A CONDITIONAL USE PERMIT (C.U.P.) FOR AMUSEMENT REDEMPTION MACHINE ESTABLISHMENT ON LOT 5, BLOCK 1, TRAUTMANN M & I SUBDIVISION, UNIT 1, LOCATED AT 8601 MCPHERSON ROAD IN ORDER TO ADD ANGELINA WU, DBA MEI-WA INCORPORATED AS A PARTY TO WHOM THE PERMIT IS ISSUED TO; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

L-12

Legals/Public Notices**Legals/Public Notices**

ORDINANCE NO. 2023-O-143

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, REPEALING CHAPTER 21, ARTICLE VII, IN ITS ENTIRETY, OF THE CODE OF ORDINANCES, DUE TO THE PASSAGE OF HOUSE BILL 1819 THAT REPEALS THE AUTHORITY OF A CITY TO ADOPT A JUVENILE CURFEW, WHICH WILL TAKE EFFECT ON SEPTEMBER 1, 2023, PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

L-16

Legals/Public Notices**Legals/Public Notices**

ORDINANCE NO. 2023-O-128

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY AMENDING ORDINANCE 2022-O-163, WHICH AUTHORIZED A SPECIAL USE PERMIT (S.U.P.) FOR RESTAURANT SERVING ALCOHOL ON THE EAST PART OF LOTS 5 AND 7, BLOCK 167, WESTERN DIVISION, AND 1,249.92 SQUARE FEET, OUT OF THE MAIN AVENUE RIGHT-OF-WAY, ADJACENT TO LOTS 5 AND 7, BLOCK 167, WESTERN DIVISION, AS PER DEED RECORDED IN VOLUME 5323, PAGES 741-747, WEBB COUNTY OFFICIAL PUBLIC RECORDS, LOCATED AT 1020 MAIN AVENUE IN ORDER TO AMEND THE HOURS OF OPERATIONS; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

L-15

Legals/Public Notices**Legals/Public Notices**

ORDINANCE NO. 2023-O-127

AMENDING THE ZONING ORDINANCE MAP OF THE CITY OF LAREDO BY AUTHORIZING THE ISSUANCE OF A SPECIAL USE PERMIT FOR A RESTAURANT SERVING ALCOHOL ON LOT 1A, BLOCK 1, RANCHO VERDE SUBDIVISION, LOCATED AT 9652 MCPHERSON ROAD, SUITE 100 (2,600 SQUARE FEET); PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

L-14

times

YELLOW PAGES