

## **ORDINANCE 2023-657**

**AN ORDINANCE REPEALING IN ITS ENTIRETY SECTION 130.05 "CURFEW HOURS FOR MINORS" OF TITLE XIII "GENERAL OFFENSES" CHAPTER 130 "GENERAL PROVISIONS" OF THE CODE OF ORDINANCES, CITY OF KEENE, TEXAS MAKING IT AN OFFENSE FOR MINORS, PARENTS, AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS TO VIOLATE CURFEW REGULATIONS; REPEALING SECTION 130.99 (B)(1) AND (2) "PENALTY" ESTABLISHING A PENALTY FOR VIOLATIONS OF SECTION 130.05; INCORPORATING THE RECITALS INTO THE BODY OF THE ORDINANCE;; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the City of Keene, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, on November 17, 1994, the City Council of the City of Keene adopted Ordinance 1994-46 Adopting a new Section 11-8 "Curfew hours for minors" of Chapter 11, "Miscellaneous Offenses and Provisions" of the Code of Ordinances, as amended; defining terms; creating offense of minors, parents, and guardians of minors and business establishments violating curfew regulations; providing defenses; providing for enforcement by the police department; providing for waiver by the municipal court; providing for a penalty of up to \$500.00 for violations; and

**WHEREAS**, pursuant to Section 370.002 of the Texas Local Government Code, the City Council reviewed the juvenile curfew ordinance on November 19, 2009; and

**WHEREAS**, on May 22, 2014, the City Council passed and adopted Ordinance 2014-486 replacing Section 130.05 of the City of Keene Code of Ordinances, with a new Section 130.05 by adopting and implementing a juvenile curfew; providing for definitions, offenses, defenses to prosecution, enforcement, severability and savings/repealing clauses, and penalties; and

**WHEREAS**, on June 9, 2023, the 88<sup>th</sup> Texas Legislature passed House Bill 1819 which amended the Texas Government Code to repeal the authority of political subdivisions to adopt or enforce juvenile curfews other than curfews authorized under Chapter 418, Government Code, for purposes of emergency management; and

**WHEREAS**, the City Council deems it necessary and proper and in the best interests of the public health, safety, and general welfare to repeal Section 130.05 "Curfew Hours for Minors" and repeal Section 130.99(b) (1) and (2) "Penalty" of Chapter 130 of the City of Keene Code of Ordinances.

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

**SECTION 1.** Section 130.05 “Curfew Hours for Minors” of Chapter 130, Title XIII of the Code of Ordinances, City of Keene, Texas, is hereby repealed in its entirety. Section 130.99(b)(1) and (2) “Penalty” of Chapter 130, Title XIII of the Code of Ordinances, City of Keene, Texas, is hereby repealed in its entirety.

**SECTION 2.** The findings set forth above in the recitals of this Ordinance are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 3.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

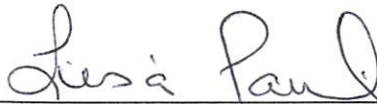
**SECTION 4.** That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

**SECTION 6.** That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become a part of, and/or amend the Code of Ordinances of the City of Keene, and that the sections of this ordinance may be renumbered or relettered to accomplish such intention.

**SECTION 7.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**SECTION 8.** This ordinance shall become effective immediately upon its passage and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
KEENE, THIS 17<sup>th</sup> DAY OF August 2023.**



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Lisa Parrish, Mayor

**ATTEST:**



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Tabatha Mansell, City Secretary