

City of West University Place
Harris County, Texas

ORDINANCE NO. 2058

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS; AMENDING CHAPTER 58, ARTICLE I, SECTION 58-2 OF THE CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, BY ESTABLISHING A CURFEW FOR JENNIE ELIZABETH HUGHES PARK.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, THAT:

Section 1. Chapter 58, Article I of the Code of Ordinances of the City of West University Place, Texas is amended by the repeal of the existing Section 58-2 and the adoption of a new Section 58-2 to read as set out in Appendix A, attached hereto. All other portions of Chapter 58 of the Code of Ordinances not specifically amended hereby remain in full force and effect.

Section 2. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 3. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 4. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 5. This Ordinance takes effect immediately upon its passage and adoption on second reading.

PASSED, APPROVED AND ADOPTED ON FIRST READING on the 8th day
of October, 2018.

**PASSED, APPROVED AND ADOPTED ON SECOND READING, AND
SIGNED**, on the 2nd day of October, 2018.



Helma G. Sullivan
City Secretary (Seal)

Signed: James R. Kapp

Mayor

Recommended: [Signature]

City Manager

Approved as to legal form: [Signature]

City Attorney

City of West University Place
Harris County, Texas

Appendix A

**(Language to be added shown by underline, language to be deleted shown by strike-out).
(Amended Section 58-2, Code of Ordinances)**

Sec. 58-2. - Park and playground hours; curfew.

(a) *Curfew.*

- (1) *Generally.* A curfew is hereby established each night between the hours of 10:00 p.m. and 7:00 a.m. within the following: Colonial Park, Weir Park, Whitt Johnson Park, Judson Park, Huffington Park, Liberty Hill Park, Friends Park, Jennie Elizabeth Hughes Park, the West University Place Recreation Center and all other areas in the city limits hereafter formally dedicated for park purposes by ordinance duly adopted, and in the HISD licensed area.
- (2) *Exception.* The West University Place Recreation Center may open between the hours of 5:00 a.m. and 7:00 a.m. for regularly scheduled activities if authorized to do so by the parks director and the city manager. Colonial Park Pool may open between the hours of 5:00 a.m. and 7:00 a.m. for regularly scheduled activities if authorized to do so by the parks director and the city manager.

(b) *Conduct unlawful.* During the hours of curfew established by this section, it shall be unlawful for any person to occupy or travel through any of the areas for which a curfew is established by this section, except:

- (1) Occupancy and use, to the extent expressly authorized by a permit issued under this section, are not prohibited; and
- (2) This subsection does not apply to city officers, agents or employees, law enforcement personnel, emergency medical personnel, firefighters or utility maintenance personnel, while they are performing the duties of their respective positions.

(c) *No-disturbance defense.* It is an affirmative defense to prosecution under this section that a person occupying or traveling through an area subject to curfew made no noise and engaged in no other activity that could disturb the sleep of a person of ordinary sensibilities in any nearby residence.

(d) *After-hours permits.* It is an affirmative defense to prosecution under this section that a valid after-hours permit authorized the conduct in question. Such permits may be issued by the responsible official designated under chapter 66. After-hours permits may only be issued for special or unanticipated activities for which there is no practical alternative area available. Each permit shall prescribe and limit the allowable use and occupancy to the minimum area, the minimum time and the minimum level of activity practicable under the circumstances.