

ORDINANCE NO. 2197

AN ORDINANCE CONTINUING THE CITY OF PORTLAND JUVENILE CURFEW FOR CERTAIN MINORS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERANCE; AND PROVIDING FOR PUBLICATION.

WHEREAS on September 6, 2016 the Portland City Council adopted Ordinance No. 2138 creating a daytime curfew for certain minors; and,

WHEREAS Texas Local Government Code Chapter 370, Section 370 – Review of Juvenile Curfew Order or Ordinance requires that the City Council every three years:

- (1) Review the ordinance or order's effects on the community and on problems, the ordinance or order was intended to remedy;
- (2) Conduct public hearings on the need to continue the ordinance or order; and
- (3) Abolish, continue, or modify the ordinance or order.

WHEREAS the City Council conducted Public Hearings on August 6, 2019 and August 20, 2019, to solicit comments from citizens and other interested parties;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS:

SECTION 1. Chapter 11, Article I, Section 11-1 of the City of Portland Code of Ordinances is hereby continued for three years unless otherwise abolished, continued, or modified by the City of Portland City Council.

SECTION 2. SEVERABILITY

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 separable and if any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional by the valid judgment or decree of an Court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 3.

All previously adopted rules, regulations, policies and ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. PENALTY

Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00). When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates section 11-1a (a) of this ordinance and shall refer the minor to juvenile court. The culpable mental state required by Chapter 6.02,

Texas Penal Code, is specifically negated and dispensed with and a violation is a strict liability offense.

SECTION 5. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall be published after second reading hereof by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall take effect upon its publication as required by law.

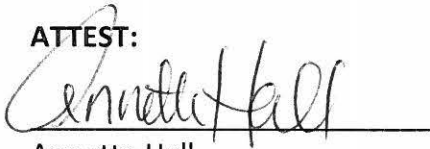
PASSED and **APPROVED** on second reading this 3rd day of September 2019.

CITY OF PORTLAND



Cathy Skurow
Mayor

ATTEST:



Annette Hall
City Secretary

