

ORDINANCE NO. _____

AN ORDINANCE CONTINUING THE JUVENILE CURFEW ORDER ESTABLISHED IN SECTION 78, ARTICLE II, DIVISION 2, OF THE CITY OF CASTROVILLE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, PENALTY, PUBLICATION AND AN EFFECTIVE DATE

WHEREAS, the City Council, by the adoption of Ordinance No. 2009-003, and pursuant to Texas Local Government Code 341.905, adopted a juvenile curfew order applicable within the corporate limits of the City of Castroville; and

WHEREAS, Chapter 78, Article II, Division 2 of the Castroville Code of Ordinances establishes a juvenile curfew, creates offenses, provides defenses to prosecution, and sets forth the penalties for violating the juvenile curfew; and

WHEREAS, pursuant to Texas Local Government Code 370.002, Section 78-40 of the Code of Ordinances provides that the City Council is to review the juvenile curfew ordinance every three years, and, after a public hearing, may vote to renew, modify or abolish the curfew; and

WHEREAS, City Council conducted a review of the juvenile curfew order prior to the adoption of this Ordinance and prior to October 10, 2020; and

WHEREAS, the City Council conducted a public hearing on September 8, 2020 regarding the proposed extension of the juvenile curfew order; and

WHEREAS, the City Council, after due consideration to the testimony and comments at the public hearing, and review of the existing curfew order, finds that the extension of the curfew order is in the best interest of the health, safety and welfare of the public.

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

1. That the juvenile curfew order, and penalty, codified as Chapter 78, (“Offenses and Miscellaneous Provisions”), Article II (“Minors”), Division 2 (“Curfew”) is hereby extended in its existing form for an additional three (3) years, to expire on October 10, 2020.
2. That the publisher of the Code of Ordinances is authorized and directed to add a note at the end of Section 78-40, which shall read: “The juvenile curfew order codified in this

Division is extended until September 22, 2023, by Ordinance of the City Council passed and approved on September 22, 2020.

3. That all other conflicting ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.
4. That should any provision of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.
5. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.
6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
7. That this ordinance shall take effect immediately upon its passage, approval and official publication as provided by law.

PASSED AND APPROVED THIS _____ DAY OF SEPTEMBER, 2020

Darrin Schroeder, Mayor Pro Tem

ATTEST:

Debra Howe, City Secretary