

ORDINANCE NO. 2023-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, REPEALING ARTICLE IV, "YOUTH CURFEW" OF CHAPTER 15, "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE BOERNE CITY CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Boerne, Texas ("City") 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, the City Council of the City of Boerne adopted a curfew ordinance for minors in the City which is codified as "Article IV, "Youth Curfew" of Chapter 15, "Offenses and Miscellaneous Provisions" of the Boerne City Code; and

WHEREAS the City Council has determined that, based on the passage of House Bill 1819, "Juvenile Curfew," which bans the imposition of a curfew of persons younger than 18 years of age, except for purposes of emergency management, signed into law June 9, 2023, there exists a need to repeal "Article IV, "Youth Curfew" of Chapter 15, "Offenses and Miscellaneous Provisions" of the Boerne City Code.

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

SECTION 1.

Article IV, "Youth Curfew" of Chapter 15, "Offenses and Miscellaneous Provisions" of the Boerne City Code is hereby repealed in its entirety.

SECTION 2.

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 3.

This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED, APPROVED and ADOPTED on this the ____ day of September, 2023.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney