

## MEMORANDUM

**DATE:** July 7, 2023  
**TO:** Mayor Lankford & City Council  
**VIA:** Mercy Rushing, City Manager  
**FROM:** Cindy Karch, City Secretary *CK*  
**SUBJECT:** Discuss and consider action on an ordinance repealing Chapter 28, Article III (Juvenile Curfew) of the Mineola Code of Ordinances.  
**Council Meeting Agenda Item for:** July 24, 2023

### **Background Information:**

We received the following correspondence from our City Attorney, Blake Armstrong:

House Bill 1819 was passed in this last legislative session. This bill prohibits cities from enforcing a juvenile curfew. I have not checked our Code, but if we have such a curfew, we will need to repeal it by ordinance. Please let me know if I can assist. Thank you. Blake

We did have such an ordinance, so per the new law we will need to repeal it.

### **Recommendation**

It is recommended that the council approve the ordinance.

### **Final Disposition**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF MINEOLA, TEXAS REPEALING CHAPTER 28, ARTICLE III (JUVENILE CURFEW) OF THE MINEOLA CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council for the City of Mineola, Texas ("City") has recently passed a juvenile curfew Ordinance, the regulations of which have been codified in Chapter 28, Article III (Juvenile Curfew) of the City's Code of Ordinances; and

**WHEREAS**, Texas Governor Greg Abbott recently signed House Bill 1819 which prohibits cities from enforcing juvenile curfews, with said prohibition taking effect on September 1, 2023; and

**WHEREAS**, the City Council for the City of Mineola passes this Ordinance to become compliant with the current law as it pertains to juvenile curfews.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MINEOLA, TEXAS AS FOLLOWS:**

**I.  
REPEALER**

By the passage of this Ordinance, the City Council for the City of Mineola, Texas repeals Chapter 28, Article III (Juvenile Curfew) of the City's Code of Ordinances. All such regulations found within said Chapter and Article shall be repealed immediately upon the passage of this Ordinance.

**II.  
SEVERABILITY**

It is hereby declared to be the intention of the City Council for Mineola, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any

phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

**III.  
EFFECTIVE DATE**

This Ordinance shall become effective immediately following its passage and approval by the City Council for the City of Mineola, Texas.

PASSED AND APPROVED by the City Council for the City of Mineola, Texas on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Jayne Lankford, Mayor

Attest:

\_\_\_\_\_  
Cindy Karch, City Secretary