

ORDINANCE NO. 5051

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY REPEALING ARTICLE VII (CURFEW HOURS FOR MINORS) IN CHAPTER 10 FOR THE SOLE PURPOSE OF COMPLYING WITH TEXAS LOCAL GOVERNMENT CODE, CHAPTER 370, SECTION 370.007 (JUVENILE CURFEWS PROHIBITED); PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Texas in its 88th Regular Session enacted House Bill No. 1819 (“[H.B. 1819](#)”) thereby amending current law relating to the repeal of the authority of political subdivisions (i.e. cities and counties) to adopt or enforce juvenile curfews; and

WHEREAS, H.B. 1819 is codified in part at Texas Local Government Code, Chapter 370, Section 370.007 (Juvenile Curfews Prohibited) and it expressly prohibits the City from adopting or enforcing an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age; and

WHEREAS, the Presiding Judge of Mesquite Municipal Court and the Court Clerk shall note that [H.B. 1819](#), Section 9 of the Act, prohibits a violation of a juvenile curfew ordinance or order from being prosecuted or adjudicated after September 1, 2023 (the effective date of the Act); and

WHEREAS, in addition, a criminal or civil action for a violation of a juvenile curfew ordinance or order pending September 1, 2023 is dismissed on that date; and

WHEREAS, H.B. 1819, Section 9 of the Act, provides that a *final conviction or adjudication* for a violation of a juvenile curfew ordinance or order that exists on September 1, 2023 is unaffected by the Act; and

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”), to protect the public health, safety, and welfare; and

WHEREAS, upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion this ordinance should be approved and adopted.

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

SECTION 1. Recitals Incorporated.

The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

SECTION 2. Statement of City Council.

The City Council repeals its curfew hours for minors for the *sole purpose* of complying with Texas Local Government Code, Chapter 370, Section 370.007 (Juvenile Curfews Prohibited) a law enacted by the legislature of the State of Texas in its 88th Regular Session originating from House Bill No. 1819 and signed by Governor Greg Abbott whereby the City is expressly prohibited from adopting or enforcing an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age.

SECTION 3. Mesquite City Code Text Amendment.

3.01. Amending Chapter 10 – Offenses – Miscellaneous.

That Mesquite City Code, Chapter 10, Article VII (Curfew Hours For Minors) is hereby REPEALED and the remaining Chapters of the Mesquite City Code shall remain in full force and effect.

3.02. Reserve Article VII.

Chapter 10, Article VII shall be “Reserved.”

SECTION 4. Conflicts Resolution Clause.

In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 5. Severability Clause.

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

SECTION 6. Effective Date.

That this ordinance shall take effect and be in force immediately upon its adoption pursuant to Mesquite City Charter, Article IV, Section 24, and it is accordingly so ordained.

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**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MESQUITE, TEXAS, ON THE 5th DAY OF SEPTEMBER 2023.**

DocuSigned by:

Daniel Aleman Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:

Sonja Land

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Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:

David Paschall

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David L. Paschall
City Attorney