

ORDINANCE NO. O-2023-79

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 4, "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE VI., "MISCELLANEOUS OFFENSES", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY REPEALING CURFEW REGULATIONS RELATED TO MINORS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tyler has previously adopted Juvenile Curfew regulations pursuant to Texas Local Government Code Section 370.002; and

WHEREAS, during the 2023 session, the Texas Legislature adopted, and the Governor signed new legislation (H.B. 1819), which essentially pre-empted cities from adopting or enforcement local juvenile curfew ordinances; and

WHEREAS, it is necessary for the City to repeal its existing Juvenile Curfew regulations due to recent changes in State law;

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

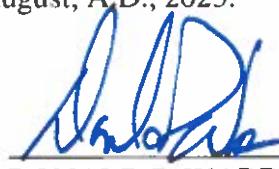
PART 1: That Tyler City Code Chapter 4, "Offenses and Miscellaneous Provisions", Article VI., "Miscellaneous Offenses", is hereby amended by repealing Section 4-98 relating to juvenile curfew regulations in its entirety as follows:

Sec. 4-98. Reserved.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, or later. The effective date of this ordinance shall be September 1, 2023.

PASSED AND APPROVED this the 23rd day of August, A.D., 2023.



DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK



APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY