

ORDINANCE NO. 2023-10-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY THROUGH THE AMENDMENT OF CHAPTER 70, "OFFENSES AND MISCELLANEOUS PROVISIONS," BY REPEALING ARTICLE VIII, "CURFEW HOURS FOR MINORS" IN ITS ENTIRETY; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas (the "City") is a Home Rule City possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, and its Home Rule Charter; and

WHEREAS, the Texas Legislature adopted House Bill 1819 that prohibits cities from adopting or enforcing an ordinance or other measure that imposes a curfew on juveniles; and

WHEREAS, House Bill 1819 was signed by Governor Abbott and went into effect on September 1, 2023; and

WHEREAS, as a result of this new State law juvenile curfew ordinances are no longer enforceable; and

WHEREAS, the City Council of the City of McKinney has determined that the current curfew ordinance contained in Article VIII, of Chapter 70 "Curfew Hours" of the Code of Ordinances, City of McKinney, Texas ("McKinney Code"), falls under this definition.

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

Section 1. The above premises are hereby found to be true and correct and are approved and incorporated into the body of this Ordinance.

Section 2. From and after the effective date of this Ordinance, the McKinney Code is hereby amended by repealing and deleting Article VIII, entitled "Curfew Hours for Minors" together with Sections 70-201 through 70-205, inclusive, of Chapter 70, "Offenses and Miscellaneous Provisions," and Article VIII shall hereafter read as follows:

"ARTICLE VIII. RESERVED"

Section 3. This ordinance shall become effective on October 2, 2023, and upon publication as provided by law, and it is accordingly so ordained.

Section 4. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of McKinney, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.

Section 5. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Section 6. This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the City of McKinney, Texas.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 2nd DAY OF OCTOBER 2023.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER, Mayor
CHARLIE PHILIPS, Mayor Pro Tem

CORRECTLY ENROLLED:

EMPRESS DRANE, City Secretary
TENITRUS BETHEL, Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER, City Attorney