

ORDINANCE NO. 2009- 7

An ordinance reviewing, renewing and amending Chapter 15, Article III, "Juvenile Curfew", of the Victoria City Code; providing for severability; providing a penalty not to exceed \$500.00 upon conviction, enforcement, and publication; and declaring an effective date.

Tex. Local Gov't Code § 370.002 requires a juvenile curfew ordinance to be reviewed once every three years to avoid expiration. City Council received a report from the Chief of Police concerning the effects of Victoria's juvenile curfew ordinance on the community and on problems the ordinance was intended to remedy and conducted a public hearing on the need to continue the ordinance. The City Council finds the juvenile curfew ordinance has had a positive effect on the community, has helped alleviate the problems the ordinance was intended to remedy, has limited juvenile crime, and has provided a safer environment for Victoria's children.

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

1.

Based on the aforementioned findings, which are incorporated herein, Chapter 15, Article III, "Juvenile Curfew," is continued. If expiration thereof prevents continuation, Chapter 15, Article III, "Juvenile Curfew" is hereby re-adopted.

2.

If any provision of this ordinance, or the application thereof to any person or circumstance, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

3.

Any person violating any of the provisions of the aforementioned Juvenile Curfew ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not to exceed \$500.00 as provided in Section 1-8 of the City Code. In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this ordinance by injunction issued by a court of competent jurisdiction. The City Secretary shall publish the caption or a descriptive title of this ordinance one time within 10 days after final passage of the ordinance in a newspaper of general circulation in the City of Victoria in accordance with Article II, Section 10 of the City Charter.

4.

In order to ensure this ordinance is effective, an emergency is declared, and the requirement of Article II, Section 9 of the Victoria City Charter that no ordinance shall be passed on the date of its first reading is hereby suspended, and this ordinance shall become effective immediately upon passage by this City Council and publication of the heading hereof.

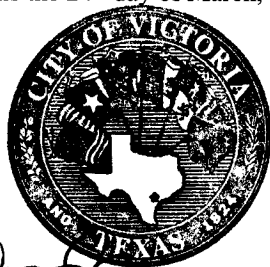
PASSED EMERGENCY READING, this 24th day of March, 2009.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 24th day of March, 2009.



WILL ARMSTRONG, Mayor of the City of Victoria, Texas

ATTEST:

SCARLET SWOBODA, City Secretary

Distribution: Legal Department
Police Department

APPROVED AS TO LEGAL FORM:

LINDA M. CHAMPION, Assistant City Attorney
Copies Sent: **MARCH 25, 2009**