

ORDINANCE NO. 1831

AN ORDINANCE AMENDING CHAPTER 50, "OFFENSES," SECTION 50-27, "CURFEW HOURS FOR MINORS," OF THE CODE OF ORDINANCES OF THE CITY OF EULESS, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1

THAT Chapter 50, "Offenses," Section 50-27, "Curfew Hours for Minors," Subsection (a) "Definitions," "Curfew Hours" of the Code of Ordinances of the City of Euless, Texas, hereby be amended to hereafter be and read as follows:

Section 50-27 Curfew Hours for Minors

(a) *Definitions.* In this section:

Curfew hours means:

- (1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day;
- (2) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday; and
- (3) Between 9:00 a.m. and 2:30 p.m. on Monday, Tuesday, Wednesday, Thursday, or Friday, while school is in session, a minor who remains, walks, runs, idles, wanders, strolls, or aimlessly drives or rides about in or on a public place.

SECTION 2

THAT Chapter 50, "Offenses," Section 50-27, "Curfew Hours for Minors," Subsection (c) "Defenses," of the Code of Ordinances of the City of Euless, Texas, hereby be amended by adding the following to hereafter be and read as follows:

(3) It is a defense to prosecution under subsection (a)(3) that:

- a. The school the minor attends is not in session.
- b. The minor is a high school graduate or has an equivalent certification.
- c. The minor is on an excused absence from the minor's school, which in the case of a child being home schooled includes permission or absence from a parent.
- d. The minor is on lunch break from a school that permits an open campus lunch.

- e. The minor is off campus on a work study program.
- (4) Subsection (1)(f) is not a defense to violation 50-27(a)(3).

SECTION 3

SEVERABILITY CLAUSE. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4

SAVING CLAUSE. That applicable chapters of the Code of Ordinances, City of Euless, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as provided by the Euless City Charter and the laws of the State of Texas.

PRESENTED AND APPROVED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on the 23rd day of September, 2008, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

APPROVED AS TO FORM:

Mary Lib Saleh, Mayor

Bob McFarland, City Attorney

ATTEST:

Susan Crim, TRMC, City Secretary