

**City of Houston, Texas, Ordinance No. 2019-717**

**AN ORDINANCE AMENDING AND CONTINUING THE CITY'S JUVENILE CURFEW ORDINANCE; CONTAINING A REPEALER; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

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**WHEREAS**, the City has a Juvenile Curfew Ordinance that is codified as Article V of Chapter 28 of the Code of Ordinances; and

**WHEREAS**, Section 370.002 of the Texas Local Government Code requires governing bodies of municipalities to review their juvenile curfew ordinance at three-year intervals to:

- (a) Review the ordinance's effects on the community and on problems the ordinance was intended to remedy;
- (b) Conduct public hearings on the need to continue the ordinance; and
- (c) Abolish, continue, or modify the ordinance; and

**WHEREAS**, the City Council last continued the Juvenile Curfew Ordinance in 2016; and

**WHEREAS**, on June 26, 2019, and July 10, 2019, the City Council conducted public hearings with respect to the need to continue the Juvenile Curfew Ordinance; and

**WHEREAS**, in connection with those hearings, the City Council has reviewed the Juvenile Curfew Ordinance's effects on the community and on problems the ordinance was intended to remedy; and

**WHEREAS**, the City Council is of the opinion that the Juvenile Curfew Ordinance should be continued with modifications to address concerns raised at the public hearings; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

**Section 2.** That the City's Juvenile Curfew Ordinance, which is codified as Article V of Chapter 28 of the Code of Ordinances, Houston, Texas, originally adopted as Ordinance No. 91-1543, thereafter amended by Ordinance No. 2007-536 and

subsequently continued as required by state law, is hereby continued, with the inclusion of the amendments set forth in this Ordinance.

**Section 3.** That the definition of the term *curfew* hours in Section 28-171 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"*Curfew hours* means the period between the hours of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 6:00 a.m. of the following day, or between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on any Saturday or Sunday, and, if recommended by the chief of police and ordered by the mayor, from time to time shall include the hours between 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday for such time as may be determined by the mayor, not to exceed 180 consecutive days."

**Section 4.** That Section 28-172 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting Subsection (c).

**Section 5.** That Section 28-175 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**"Sec. 28-175. Enforcement.**

(a) A police officer may issue a citation for a violation of this article if prior to issuing the citation:

- (1) The officer has attempted to ascertain whether the minor is homeless, and the officer has concluded the minor is not homeless; and
- (2) The officer has attempted to contact the minor's parent or guardian and has been unsuccessful.

(b) If the officer is able to contact the minor's parent or guardian, the officer shall transport the minor home to his parent or guardian without issuing a citation.

(c) If a police officer determines that a minor is homeless, the officer may not issue a citation and shall instead take the minor to a shelter or other safe harbor.

(d) In all instances, the officer may transport the minor home without issuing a citation.

(e) The Houston Police Department will provide enforcement procedures and data that relates to the enforcement of this article upon request in writing.

(f) At any time that daytime curfew hours are to be enforced, the city shall notify the public by posting curfew hours on the city's webpages for the municipal courts department, the police department, and the department of neighborhoods, and at such other locations as may be determined by the mayor, at least seven days before the daytime curfew becomes effective."

**Section 7.** That Article V of Chapter 28 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 28-176 that reads as follows:

**"Sec. 28-176. Penalties.**

(a) Each violation of this article shall be punishable by a fine not to exceed \$50.

(b) Any minor charged with a violation of this article will be referred to the Municipal Courts Department Teen Court Program by order of the presiding judge.

(c) Upon making a court appearance, any minor charged with a violation of this article shall receive information from the office of the chief clerk of the municipal courts outlining the process for expunction of the violation."

**Section 8.** That all ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

**Section 9.** That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

**Section 10.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 11.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

**PASSED AND ADOPTED this 18<sup>th</sup> day of September, 2019.**

**APPROVED this 18<sup>th</sup> day of September, 2019.**

Sylvester

Turner \_\_\_\_\_

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is \_\_\_\_\_.

\_\_\_\_\_  
City Secretary

Prepared by Legal Dept. \_\_\_\_\_  
AT:asw 9/2/2019 Assistant City Attorney  
Requested by Art Acevedo, Chief of Police  
L.D. File No. 0501900005001