

An Ordinance of the City of Plano, Texas, repealing Ordinance No. 94-11-11 codified as Chapter 14, Article III, Juvenile Curfew, Sections 14-46 through 14-50 of the Code of Ordinances of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, and an effective date.

WHEREAS, on November 14, 1994, the City Council of the City of Plano adopted Ordinance No. 94-11-11; and

WHEREAS, the 88th Texas Legislature passed House Bill 1819 prohibiting a political subdivision from adopting or enforcing an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18; and

WHEREAS, staff recommends repealing Ordinance No. 94-11-11, so that the City of Plano's Code of Ordinances is consistent with state law; and

WHEREAS, after consideration of the recommendation of staff and all matters attendant and related thereto, the City Council finds that Ordinance No. 94-11-11 codified as Chapter 14, Article III, Juvenile Curfew, Sections 14-46 through 14-50, of the Code of Ordinances of the City of Plano should be repealed effective September 1, 2023.

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

Section I. Ordinance No. 94-11-11 codified as Chapter 14, Article III, Juvenile Curfew, Sections 14-46 through 14-50 of the Code of Ordinances of the City of Plano is hereby repealed in its entirety effective September 1, 2023.

Section II. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provision of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with this Ordinance shall remain in full force and effect.

Section III. It is the intention of the City Council that this Ordinance and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section V. This ordinance shall become effective September 1, 2023.

PASSED AND APPROVED on the 28th day of August 2023.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY