

Mayor and Council Communication

DATE: 11/29/22

M&C FILE NUMBER: M&C 22-0988

LOG NAME: 35CURFEW 2023

SUBJECT

(ALL) Conduct Public Hearings on the Need to Continue the Curfew Ordinance for Minors, Review the City's Curfew Ordinance for Minors and Its Effects on the Community and on Problems the Ordinance was Intended to Remedy and Adopt Ordinance Amending Section 23-19 of City Code, Curfew Hours for Minors, to Extend the Curfew for an Additional Three Years (Continued from a Previous Meeting)

(PUBLIC HEARING - a. Report of City Staff: Sergeant Deon Nash; b. Citizen Presentations; c. Council Action: Close Public Hearing and Act on M&C)

RECOMMENDATION:

It is recommended that the City Council:

1. Review the City's Curfew Ordinance for Minors and its effects on the community and on problems the ordinance was intended to remedy;
2. Conduct public hearings on November 29, 2022 and December 13, 2022 regarding the need to continue the curfew ordinance for minors; and
3. Following the second public hearing on December 13, 2022, adopt the attached ordinance amending Section 23-19 of the City Code to extend the curfew provision for an additional three years.

DISCUSSION:

In 1994, the City Council adopted an ordinance establishing curfew hours for minors. This ordinance was renewed in 2020. Under the current ordinance, curfew hours are (1) between 11:00 p.m. and 6:00 a.m. of the following day on Sunday, Monday, Tuesday, Wednesday, and Thursday, and (2) between 12:01 a.m. and 6:00 a.m. on Saturdays and Sundays. Section 23-19 also makes it an offense for a parent, guardian, or the agent of a for-profit business to knowingly allow a juvenile to violate the curfew.

In 1995, the Texas Legislature enacted Section 370.002 of the Texas Local Government Code, which addresses a City's authority to enact juvenile curfew ordinances. This legislation requires a city to review its curfew ordinance at least every three years and specifically its effect on the community and on problems the ordinance was intended to remedy. Section 371.002 also requires that the City Council (1) conduct public hearings regarding the need to continue the ordinance and (2) decide whether to abolish, continue or modify it. If a city fails to conduct the required review and public hearings, the curfew ordinance expires.

In addition to the state law requirements, Section 23-19 itself requires that the periodic review include a report and recommendations from the City Manager concerning the effectiveness and need for the curfew. Under the City Code, the City Manager's Report addresses the practicality of enforcing the curfew, notes any enforcement problems encountered by the Police Department or Marshal's Office, indicates the impact of the curfew on crime statistics, provides information on the number of successful prosecutions of curfew violations and estimates the City's net cost of enforcing the curfew.

The City's current ordinance will expire on January 14, 2023, if no action is taken. Public hearings regarding the curfew are scheduled to be conducted on November 29, 2022 and December 13, 2023 as part of the City Council's regularly scheduled meetings. In connection with the currently proposed renewal, the City Manager's Office provided Council with an Informal Report on November 15, 2022 providing the required information and recommending the extension of the curfew ordinance for an additional three years.

The attached ordinance would amend the City Code to update the effective date, make the curfew effective for an additional three years and revise the date in the " Sunset Provision" of subsection "h". All other provisions mirror the current ordinance, which was most recently adopted in 2020 (M&C G-18919).

Following the closing of the initial public hearing on November 29, 2022, staff recommends that this Mayor & Council Communication be continued to the December 13, 2022 meeting for the second public hearing and Council action.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of this recommendation will have no material effect on City funds.

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Expedited