



**CITY COUNCIL AGENDA**  
September 14, 2023

---

**Item/Subject:** Second Reading And Approval Of An Ordinance Repealing Cedar Park Code Of Ordinances Article 8.04 Juvenile Curfew.

---

**Commentary**

This purpose of this item is to repeal Cedar Park Code of Ordinances Article 8.04 Juvenile Curfew.

The City first adopted a juvenile curfew ordinance on September 6, 1994 (the “Juvenile Curfew”). In accordance with Texas Government Code Section 370.002, City Council reviewed and readopted the Juvenile Curfew every three (3) years after considering its effects on the community and the problems it was intended to remedy.

In the 88<sup>th</sup> Legislative Session the Texas Legislature passed House Bill 1819, preempting cities’ ability to adopt or enforce any order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age, except for emergency management purposes during a declared disaster, in accordance with the City’s activated emergency management plan. HB 1819 is effective September 1.

HB 1819 prohibits the prosecution of any pending Juvenile Curfew violations on or after September 1. Although no Juvenile Curfew cases are currently pending in the Municipal Court, Staff recommends City Council repeal the Juvenile Curfew ordinance in its entirety to ensure the City is in full compliance with State law and to avoid public confusion moving forward.

**Initiating Dept:** Legal

---

**Fiscal Impact**

**Budget**

**Fund: N/A**

**Amount: N/A**

**Finance Director Review**

**Legal Certification**

Approved as to form and content:

Yes

No **City Attorney**

**Associated Information:**

ORDINANCE NO. CO28.23.09.14.E1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, REPEALING CEDAR PARK CODE OF ORDINANCES ARTICLE 8.04 JUVENILE CURFEW; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the governing body of a municipality may adopt, publish, amend, or repeal an ordinance that is for the good government, peace or order of the municipality and is necessary or proper for carrying out a power granted by law to the municipality; and

WHEREAS, the City Council of the City of Cedar Park first adopted a juvenile curfew ordinance on September 6, 1994 (the “Juvenile Curfew”), and subsequently reconsidered and readopted the Juvenile Curfew in accordance with Texas Government Code Section 307.002; and

WHEREAS, the Juvenile Curfew is presently codified at Article 8.04 of the Cedar Park Code of Ordinances; and

WHEREAS, the 88<sup>th</sup> Texas Legislature passed House Bill 1819, which preempts municipal authority to adopt or enforce any juvenile curfew order, ordinance, or measure, except as permitted by Texas Government Code Chapter 418 for purposes of emergency management; and

WHEREAS, the City Council desires to ensure the City’s Code of Ordinances is consistent with State law; and

WHEREAS, the City Council finds repealing the Juvenile Curfew will avoid public confusion; and

WHEREAS, the City Council desires to repeal Cedar Park Code of Ordinances Article 8.04 Juvenile Curfew in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That Cedar Park Code of Ordinances Article 8.04 Juvenile Curfew is hereby repealed in its entirety.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 24<sup>th</sup> day of August, 2023, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED, AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 14<sup>th</sup> day of September, 2023, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

PASSED AND APPROVED this the 14<sup>th</sup> day of September, 2023.

CITY OF CEDAR PARK, TEXAS

---

James Penniman-Morin, Mayor

ATTEST:

---

LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

---

J.P. LeCompte, City Attorney

ORDINANCE NO. CO28.23.09.14.E1