

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, READOPTING AND CONTINUING ARTICLE III OF CHAPTER 54 OF THE SAGINAW CITY CODE; CONTINUING CURFEW REGULATIONS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council previously adopted Ordinance No. 2001-06 imposing a mandatory curfew for minors; and

WHEREAS, after holding public hearings regarding the need to continue the Ordinance, the same was continued on April 16, 2019; and

WHEREAS, in accordance with Section 370.002(a) of the Texas Local Government Code, on April 5, 2022 and on April 19, 2022, the City Council held public hearings regarding the need to further readopt and continue Ordinance No. 2001-06; and

WHEREAS, the City Council finds that persons under the age of 17 who are allowed to stay out late without adult supervision are particularly susceptible due to their lack of maturity and experience to become involved in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

WHEREAS, the City Council further finds that a curfew for those under the age of 17 is in the interest of the public health, safety and general welfare, and will help to attain the foregoing objectives and diminish the undesirable impact of such conduct on the citizens of the City of Saginaw; and

WHEREAS, after holding public hearings regarding the need for curfew regulations, the City Council desires to further continue the curfew regulations in order to address the community concerns set forth above.

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

**SECTION 1.
ORDINANCE READOPTED AND CONTINUED**

That Ordinance No. 2022-05, as continued by official vote of the City Council of the City of Saginaw, Texas on April 19, 2022, is hereby readopted and continued in accordance with the requirements of Section 370.002 of the Texas Local Government Code.

**SECTION 2.
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances of the City of Saginaw, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 3.
SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such 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 unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.
SAVINGS CLAUSE**

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of Ordinance 2001-06 or any ordinances governing curfews for minors which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 5.
PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6.
PUBLICATION IN OFFICIAL NEWSPAPER**

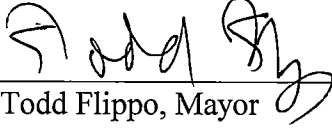
The City Secretary of the City of Saginaw is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

**SECTION 7.
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

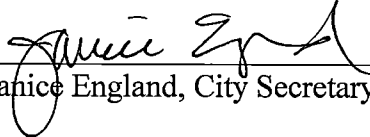
PASSED AND APPROVED ON THIS 19th DAY OF APRIL, 2022.

APPROVED:



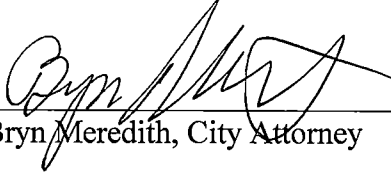
Todd Flippo, Mayor

ATTEST:



Janice England, City Secretary

APPROVED AS TO FORM AND LEGALITY:



Bryn Meredith, City Attorney

