

**CITY OF LINDSAY, TEXAS
ORDINANCE NO. 0320-2**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY, TEXAS READOPTING CHAPTER 131 OF THE CODE OF LINDSAY, ESTABLISHING HOURS WITHIN WHICH A MINOR SHALL NOT BE IN A PUBLIC PLACE OR ON PUBLIC PROPERTY IN THE CITY; PROVIDING A PENALTY; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lindsay, Texas is a Type A general law municipality located in Cooke County, created in accordance with Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council has previously adopted ordinance #07-88, now codified in Chapter 131 of the Code of Lindsay, establishing hours within which minors shall not be in a public place or on public property in the City of Lindsay; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that a municipality review and readopt such a curfew ordinance every three years; and

WHEREAS, the City Council has reviewed the ordinance's effects on the community and on problems the ordinance was intended to remedy; and

WHEREAS, the City Council has conducted a public hearing on the need to continue the ordinance; and

WHEREAS, the City Council of the City of Lindsay desires to readopt Chapter 131 of the Code of Ordinances, Lindsay, Texas, establishing hours within which minors shall not be in a public place or on public property in the City of Lindsay, Texas.

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

SECTION 1.

Chapter 131 of the Code of Lindsay, are hereby reaffirmed and readopted in their entirety.

SECTION 2.

This ordinance shall be cumulative of all provisions of the code of ordinances of the City of Lindsay, 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with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.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.

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.

All rights and remedies of the City of Lindsay are expressly saved as to any and all violations that have accrued at the time of the effective date of this ordinance of the provisions of the Code of Ordinances of the City of Lindsay, as amended, or any other ordinances relating to a juvenile curfew 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.

The City Secretary of the City of Lindsay is hereby directed to publish in the official newspaper of the City of Lindsay, the caption, penalty clause, publication clause, and effective date clause of this ordinance two (2) days as authorized by Section 52.013 of the Local Government Code.

SECTION 6.

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 9 DAY OF March, 2020.



Scott Neu, Mayor

ATTEST:



Monica Laux, City Secretary