

**ORDINANCE NO. 2023-54**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS REPEALING THE CITY'S JUVENILE CURFEW ORDINANCE IN ARTICLE 3, CHAPTER 54 OF THE SAN MARCOS CITY CODE; INCLUDING PROCEDURAL PROVISIONS; AND DECLARING AN EFFECTIVE DATE.**

**RECITALS:**

1. New legislation approved at the 88th Texas legislative session and signed by the governor prohibits municipalities from enacting or enforcing juvenile curfew ordinances, effective September 1, 2023.
2. It is necessary to repeal the City's juvenile curfew ordinance to be consistent with state law.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** Article 3, Curfew, of Chapter 54, Miscellaneous Offenses, of the San Marcos City Code is hereby repealed in its entirety.

**SECTION 2.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this ordinance shall remain in effect as if the unconstitutional or invalid portion had not been adopted.

**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

**SECTION 4.** This ordinance will take effect after adoption on second reading.

**PASSED AND APPROVED** on first reading on August 1, 2023.

**PASSED, APPROVED AND ADOPTED** on second reading on August 15, 2023.

Jane Hughson  
Mayor

Attest:

Elizabeth Trevino  
City Clerk

Approved:

Samuel J. Aguirre  
City Attorney