



1111 Bayou Road
La Marque, Texas
409-938-9202

Mayor Bobby Hocking

Mayor Pro- Tem Keith Bell- District A

Councilmember Chris Lane- District B

Councilmember Robert Michetich- District C

Councilmember Casey Mc Auliffe- District D

OFFICIALLY POSTED ON THE
WEB:
DATE: 8.4.2017 TIME: 12:30 p.m.
REVISED posted: 1:25 p.m.

RESOLUTION R-2017-0020
ORDINANCE O-2017-0013

CITY OF LA MARQUE
SPECIAL CALLED CITY COUNCIL
AGENDA
of
August 7, 2017

Notice is hereby given that the City Council of the City of La Marque, Texas will conduct a Special Called City Council Meeting on **Monday, August 7, 2017, beginning at 6:00 p.m.** at 1109-B Bayou Road for the purpose of considering the following agenda:

- (1) CALL MEETING TO ORDER**
- (2) ROLL CALL**
- (3) INVOCATION AND PLEDGE OF ALLEGIANCE**
- (4) CITIZENS PARTICIPATION**
- (5) PUBLIC HEARING**
 - a. Conduct a Public Hearing to receive public input regarding Ordinance No. **O-2017-009**, Repealing Sec. 44-2; Curfew for Minors, Chapter 44, of the Code of Ordinances, City of La Marque, Texas; and in its place adopting a new Sec. 44-2; establishing a curfew for any person under the age of seventeen years during certain hours.
- (6) OLD BUSINESS**
 - a. Discussion/possible action regarding adopting Ordinance No. **O-2017-009**, repealing Sec. 44-2; Curfew for Minors, Chapter 44, of the Code of Ordinances, City of La Marque, Texas; and in its place adopting a new Sec. 44-2; establishing a curfew for any person under the age of seventeen during certain hours. **THIS IS THE SECOND AND FINAL READING**

(7) **NEW BUSINESS**

- a. Discussion/possible action regarding Ordinance No. **O-2017-0013**, repealing Sec. 62-51; Maximum limits in school zones generally, and Sec. 62-108; Designated, and Sec. 62-139; Parking prohibited on certain streets during school hours; and in its place adopting a new Sec. 62-51; Maximum limits in school zones generally, and Sec. 62-108; Designated, and Sec. 62-139; Parking prohibited on certain streets during school hours Chapter 62, of the Code of Ordinances, City of La Marque, Texas. **THIS IS THE FIRST READING.**
- b. Discussion/ possible action calling the First Public Hearing for the proposed FY 2017-2018 Tax Rate to be held on Monday, August 14, 2017 and the Second Public Hearing for the 2017-2018 Tax Rate to be held on Tuesday, August 29, 2017 – Finance Director S. Kou
- c. Discussion/possible action calling the First Public Hearing for the proposed FY 2017-2018 Budget to be held on Monday, August 21, 2017 and the Second Public Hearing for the 2017-2018 Budget to be held on Tuesday, September 5, 2017 – Finance Director S. Kou

(8) **EXECUTIVE SESSION**

The City Council for the City of La Marque, Texas reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized the Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development)

(9) **ADJOURNMENT**

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas on or before August 4, 2017, before 5:30 p.m.

Robin Eldridge, TRMC
City Clerk

••••• This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or
••••• interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (409) 938-
••••• 9259, or Fax (409) 935-0401, or e-mail cityclerk@cityoflamarque.org for further information.
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CITY COUNCIL AGENDA FORM

Meeting Date: August 7, 2017

Prepared by: Chief Kirk Jackson

Department: Police Department

Agenda item: 5&6a

Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. **O-2017-009**, Repealing Sec. 44-2; Curfew for Minors, Chapter 44, of the Code Of Ordinances, City Of La Marque, Texas; and in its place adopting a new Sec. 44-2; establishing a curfew for any person under the age of seventeen years during certain hours **THIS IS THE SECOND AND FINAL READING**



Attachments for reference

1. Proposed ordinance with minor changes
2. Texas Local Government Code, Section 370.002
3. Current version of the ordinance

STAFF BRIEFING:

- According to the Local Government Code, a Home-Rule Municipality that adopts a “Juvenile Curfew Ordinance” shall review the effects on the community and or on any problems the ordinance was intended to remedy.
- This review should be done before the each third anniversary date of the ordinance.
- This item is presented in an effort to comply with the requirements set forth in the Local Government Code (LGC).
- After a review of the ordinance, minor changes to verbiage and a change to State statute reference is made.
- During the preceding three (3) years, there have been fifteen (15) minors cited for curfew violations.
- The proposed revision to the ordinance has been reviewed and approved by the City Attorney

HISTORY:

- **March 10, 2014** – La Marque City Council amended the previous Curfew ordinance and approved the current Ordinance No. O-2014-005.

TARGET IMPLEMENTATION: After adoption of a proposed ordinance on First Reading, conducting a Public Hearing, and adoption of the Ordinance on the Second Reading.

SIGNIFICANT ACTION DATES:

- **4/10/2017** - First Reading of the proposed ordinance approved by City Council
- **8/7/2017** - Conduct a Public Hearing and adopt the ordinance at Second Reading



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A
Acct. Name(s)	N/A
Line Items #	N/A
Other Funding	N/A

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2017-009**, Repealing Sec. 44-2; Curfew For Minors, Chapter 44, of the Code Of Ordinances, City Of La Marque, Texas; and in its place adopting a new Sec. 44-2; establishing a curfew for any person under the age of seventeen years during certain hours **THIS IS THE SECOND AND FINAL READING**

FISCAL IMPACT: No financial burden anticipated as a result of the ordinance.

ORDINANCE NO. O-2017-009

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, REPEALING SEC. 44-2; CURFEW FOR MINORS, CHAPTER 44, OF THE CODE OF ORDINANCES, CITY OF LA MARQUE, TEXAS; AND IN ITS PLACE ADOPTING A NEW SEC. 44-2; ESTABLISHING A CURFEW FOR ANY PERSON UNDER THE AGE OF SEVENTEEN YEARS DURING CERTAIN HOURS; MAKING IT UNLAWFUL FOR ANY PARENT OR PERSON IN LOCO PARENTIS ENTITLED TO CUSTODY OR CONTROL OF A MINOR TO VIOLATE THIS SECTION AND PROVIDING PENALTIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, there is a potential relationship between an increased number of crimes committed by juveniles and certain night time hours in the City of La Marque; and

WHEREAS, there is a potential relationship between an increased number of juvenile victims of crimes and certain night time hours in the City of La Marque;

WHEREAS, the City of La Marque wishes to promote the safety and the good order of the community by reducing the potential incidents of juvenile criminal activity and juvenile victims.
NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

That Chapter 44, Section 44-2 of the Code of Ordinances of the City of La Marque is hereby repealed and in its place a new section 44-2 is hereby adopted which shall read as follows:

SECTION 44-2 (a) Curfew for Minors

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not mere directory.

DEFINITIONS: For the purposes of this section, the following words or terms shall have the meaning ascribed thereto:

- (1) **Establishment.** Any privately-owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.
- (2) **Operator.** Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment; and whenever used in any clause prescribing a penalty, the term as applied to associations or partnerships shall include the members or partners thereof and as applied to corporations shall include the officers thereof.

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Juvenile Curfew

- (3) **Parent.** Any natural parent of a minor, a legal guardian, or any adult person, eighteen (18) years or older, in whose care the minor has been placed by the natural parent or legal guardian.
- (4) **Public. Place.** Any public street, highway, road, alley, park, playground, public building, parkway or vacant lot.
- (5) **Remain.** To stay behind, to tarry and stay unnecessarily upon a public place, including congregating in groups totaling four (4) or more minors in which any minor included would not be using the public place or any ordinary or serious purpose such as passage or going home. To implement this definition with more precision and precaution, numerous exceptions will be provided hereinafter to indicate that this is not a mere prohibitory or presence type curfew ordinance. More exceptions become available to minors with increasing years and advancing maturity as appropriate in the interest of reasonable regulation.
- (6) **Minor.** Any person under the age of seventeen (17) years of age.
- (7) **Official City Time.** The prevailing local standard of time at the date in question, whether Central Standard Time or Daylight Savings Time, as observed by the public. The time maintained by the La Marque Police Department shall be prima facie evidence of the time of day for continued implementation of this article.
- (8) **Years of Age.** This term means the time from one birthday, such as sixteen, to the next, but not including the date of the next birthday. Thus, upon a person's seventeenth birthday, he or she will cease to be a minor regulated by this ordinance.

SECTION 44-2 (b) CURFEW

- (a) It shall be unlawful for any person under seventeen (17) years of age to purposely remain, walk, run, stand, drive or ride about in or upon any public place in the City of La Marque between the hours of 10:30 p.m. and 6:00 a.m. on a Sunday, Monday, Tuesday, Wednesday, or Thursday and between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on Friday or Saturday, times being local time in the City of La Marque; and,
- (b) 8:00 a.m. until 2:40 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday; provided, however, the hours defined in this paragraph (l) shall not be considered as Curfew Hours for minors not subject to compulsory school attendance pursuant §25.085, Texas Education Code, nor shall the hours defined in this paragraph (l) be considered as Curfew Hours on days or during periods in which the school where the applicable minor is enrolled have been canceled under the order and direction of officials authorized to issue such orders and directives.

SECTION 44-2 (c) EXCEPTIONS

In the following exceptional cases, a minor in or upon any public place or in and upon any establishment shall not be deemed in violation of this article; this section is intended as a clear general guide for minors, their parents, and enforcement officials.

- (1) When the minor is accompanied by his or her parent, legal guardian, or authorized adult supervisor;
- (2) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the rights of assembly. It shall be deemed a bona fide exercise of such rights if the assembly, whether parade or demonstration, is conducted pursuant to bona fide religious, social, or school activities, or has been permitted by the City of La Marque pursuant to the code of ordinances of the City of La Marque.
- (3) When engaged in performing an errand or other legitimate business at the direction of a parent, guardian, or supervisory adult, including travel to and from such location by a direct route;
- (4) When the minor is on the sidewalk at the place where such minor resides, or on the sidewalk of either next door neighbor, when said neighbor does not object such presence;
- (5) When the minor is engaged in employment, or any employment activities;
- (6) If married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code;
- (7) All of the above cited exceptions to the curfew ordinance include travel to and from such activity by a direct route, and this article is in no way to be construed as a limitation upon normal travel by a minor engaged in interstate movement;
- (8) Each of the foregoing exceptions are severable and in addition other possible exceptions may be added hereto in the future as warranted by experience as illuminated by the views of student government associations, school personnel, citizens, neighborhood spokesman, parents, officers, and persons in authority concerned positively with minors as well as juvenile delinquency.

SECTION 44-2 (d) PARENTAL RESPONSIBILITY

It shall be unlawful for a parent knowingly to permit a minor in his or her care to be or remain in any public place or to be or remain in any establishment other than for exempt activities during the curfew hours established by this article. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in such parent's custody. It shall be prima facie evidence of violation of this section if a responsible parent has no knowledge of a minor's whereabouts during the hours of curfew established by this article.

SECTION 44-2 (e) POLICE PROCEDURE

- (a) A La Marque police officer, upon finding or having his or her attention called to any minor in or on a public place or in or on the premises of a business establishment in prima facie violation of this article, may, if there exists reasonable grounds to believe that the minor has engaged in delinquent conduct or conduct indicating a need for supervision in accordance with Section 51.03 and 52.01 of the Texas Family Code, take the minor into custody. A parent shall be immediately notified to pick up the minor upon his or her arrival to the La Marque Police Department. A police officer taking a minor into custody shall also have discretion to deliver such minor to a parent under circumstances deemed appropriate by the officer.
- (b) Upon picking up a minor in custody, said parent shall be interrogated about the circumstances of such activity of the minor. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility for accurate, effective, fair, and impartial and uniform enforcement and recording, thus making available experienced supervisory personnel, the best of facilities, and, if required, referral to social agencies equipped to handle family problems that may be disclosed by investigation. In the absence of convincing identification, a police officer on the street may use his or her best judgment in determining age. Police procedures shall be constantly refined in the light of experience, and changes herein may be made on the basis of such experience.
- (c) (c) In any event, a police officer shall within twenty-four (24) hours file a written report on the minor incident or shall participate to the extent possible in the preparation and filing of such report by his supervisor.
- (d) When a parent has come to take charge of a minor and the appropriate information has been received, the minor shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the minor, then the minor shall be released to any adult blood relative. However, the police department shall have the discretion to refuse to turn the child over to persons other than the natural parents or legal guardians, if circumstances warrant such refusal in their opinion.

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- (e) In the case of a violation of a minor not resulting in custody at the La Marque Police Department, the police department shall by certified mail notify the minor's parents of the violation of the minor and include a warning that subsequent violations will result in full enforcement of this article, including the enforcement of parental responsibility by criminal action.
- (f) A La Marque police officer taking into custody a person younger than seventeen (17) years of age for violation of the curfew herein set, shall, without necessary delay:
 - 1. Release the person to the person's parent, guardian or custodian;
 - 2. Take the person before a justice or municipal court to answer the charge; or
 - 3. Take the person to a place designated as a juvenile curfew processing office by the La Marque Chief of Police.

SECTION 44-2 (f) PENALTIES

Prevailing community standards as reflected by this article require the availability of criminal penalties in order for this article to be a viable instrument for the maintenance of such standards. Consequently, violation of this article by any person shall be deemed to be a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00). Minors who shall violate the provisions of this article three (3) times shall be subject to appropriate action by juvenile authorities.

SECTION 44-2 (g) SEVERABILITY

Severability is intended throughout and within this article. If any provision, including any section, paragraph, sentence, clause, phrase or word or the application thereof to any person or circumstances is held invalid, the application to other persons or under other circumstances shall not be affected thereby and the validity of the provision in any and all other respects shall not be affected thereby. It is intended that this provision be held inapplicable in any case if such exists, where its application would be unconstitutional construction hereof is intended and shall be given. There is no intent herein to violate either the Texas Constitution or the Constitution of the United States.

SECTION 44-2 (h) REVIEW OF JUVENILE ORDINANCE

Before the third anniversary of the date of an adoption of a juvenile curfew ordinance and every third year after, the governing body shall:

- (1) review the ordinance's effects on the community and on problems the ordinance was intended to remedy;
- (2) conduct public hearings on the need to continue the ordinance; and

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(3) abolish, continue, or modify the ordinance.

Failure to act in accordance with Section 44-2 shall cause the ordinance to expire upon the third anniversary date of adoption."

EFFECTIVE DATE: This ordinance shall take effect immediately after its Second and Final reading.

PASSED AND APPROVED by City Council of the City of La Marque on the First reading this **10th** day of **April**, 2017.

PASSED, APPROVED AND ADOPTED by City Council of the City of La Marque on the Second and Final reading this _____ day of _____ 2017.

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor
City of La Marque, Texas

ATTEST:

Robin Eldridge, City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney

LOCAL GOVERNMENT CODE

TITLE 11. PUBLIC SAFETY

SUBTITLE C. PUBLIC SAFETY PROVISIONS APPLYING TO MORE THAN ONE
TYPE OF LOCAL GOVERNMENT

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO MUNICIPAL AND
COUNTY HEALTH AND PUBLIC SAFETY

Sec. 370.002. REVIEW OF JUVENILE CURFEW ORDER OR
ORDINANCE. (a) Before the third anniversary of the date of
adoption of a juvenile curfew ordinance by a general-law
municipality or a home-rule municipality or an order of a county
commissioners court, and every third year thereafter, the
governing body of the general-law municipality or home-rule
municipality or the commissioners court of the county shall:

(1) review the ordinance or order's effects on the
community and on problems the ordinance or order was intended to
remedy;

(2) conduct public hearings on the need to continue
the ordinance or order; and

(3) abolish, continue, or modify the ordinance or
order.

(b) Failure to act in accordance with Subsections (a)(1)-
(3) shall cause the ordinance or order to expire.

Added by Acts 1995, 74th Leg., ch. 262, Sec. 96, eff. May 31,
1995.

ORDINANCE NO. O-2014-005

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, REPEALING SEC. 44-2; CURFEW FOR MINORS, CHAPTER 44, OF THE CODE OF ORDINANCES, CITY OF LA MARQUE, TEXAS; AND IN ITS PLACE ADOPTING A NEW SEC. 44-2; ESTABLISHING A CURFEW FOR ANY PERSON UNDER THE AGE OF SEVENTEEN YEARS DURING CERTAIN HOURS; MAKING IT UNLAWFUL FOR ANY PARENT OR PERSON IN LOCO PARENTIS ENTITLED TO CUSTODY OR CONTROL OF A MINOR TO VIOLATE THIS SECTION AND PROVIDING PENALTIES.

WHEREAS, there is a potential relationship between an increased number of crimes committed by juveniles and certain night time hours in the City of La Marque; and

WHEREAS, there is a potential relationship between an increased number of juvenile victims of crimes and certain night time hours in the City of La Marque;

WHEREAS, the City of La Marque wishes to promote the safety and the good order of the community by reducing the potential incidents of juvenile criminal activity and juvenile victims. NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

That Chapter 44, Section 44-2 of the Code of Ordinances of the City of La Marque is hereby repealed and in its place a new section 44-2 is hereby adopted which shall read as follows:

SECTION 44-2 (a) Curfew for Minors

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not mere directory.

DEFINITIONS: For the purposes of this section, the following words or terms shall have the meaning ascribed thereto:

(1) **Establishment.** Any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

(2) **Operator.** Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment; and whenever used in any clause prescribing a penalty, the term as applied to associations or partnerships shall include the members or partners thereof and as applied to corporations shall include the officers thereof.

(3) **Parent.** Any natural parent of a minor, a legal guardian, or any adult person, eighteen (18) years or older, in whose care the minor has been placed by the natural parent or legal guardian.

(4) **Public Place.** Any public street, highway, road, alley, park, playground, public building, parkway or vacant lot.

(5) **Remain.** To stay behind, to tarry and stay unnecessarily upon a public place, including congregating in groups totaling four (4) or more minors in which any minor included would not be using the public place or any ordinary or serious purpose such as passage or going home. To implement this definition with more precision and precaution, numerous exceptions will be provided hereinafter to indicate that this is not a mere prohibitory or presence type curfew ordinance. More exceptions become available to minors with increasing years and advancing maturity as appropriate in the interest of reasonable regulation.

(6) **Minor.** Any person under the age of seventeen (17) years of age.

(7) **Official City Time.** The prevailing local standard of time at the date in question, whether Central Standard Time or Daylight Savings Time, as observed by the public. The time maintained by the La Marque Police Department shall be prima facie evidence of the time of day for continued implementation of this article.

(8) **Years of Age.** This term means the time from one birthday, such as sixteen, to the next, but not including the date of the next birthday. Thus, upon a person's seventeenth birthday, he or she will cease to be a minor regulated by this ordinance.

SECTION 44-2 (b) CURFEW

(a) It shall be unlawful for any person under seventeen (17) years of age to purposely remain, walk, run, stand, drive or ride about in or upon any public place in the City of La Marque between the hours of 10:30 p.m. and 6:00 a.m. on a Sunday, Monday, Tuesday, Wednesday, or Thursday and between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on Friday or Saturday, times being local time in the City of La Marque; and,

(b) 8:00 a.m. until 3:00 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday; provided, however, the hours defined in this paragraph (1) shall not be considered as Curfew Hours for minors not subject to compulsory school attendance pursuant §21.032, Texas Education Code, nor shall the hours defined in this paragraph (1) be considered as Curfew Hours on days or during periods in which the school where the applicable minor is enrolled have been canceled under the order and direction of officials authorized to issue such orders and directives.

SECTION 44-2 (c) EXCEPTIONS

In the following exceptional cases, a minor in or upon any public place or in and upon any establishment shall not be deemed in violation of this article; this section is intended as a clear general guide for minors, their parents, and enforcement officials.

- (1) When the minor is accompanied by his or her parent, legal guardian, or authorized adult supervisor;
- (2) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the rights of assembly. It shall be deemed a bona fide exercise of such rights if the assembly, whether parade or demonstration, is

conducted pursuant to bona fide religious, social, or school activities, or has been permitted by the City of La Marque pursuant to the code of ordinances of the City of La Marque.

- (3) When engaged in performing an errand or other legitimate business at the direction of a parent, guardian, or supervisory adult, including travel to and from such location by a direct route;
- (4) When the minor is on the sidewalk at the place where such minor resides, or on the sidewalk of either next door neighbor, when said neighbor does not object such presence;
- (5) When the minor is engaged in employment activities, such as, but not restricted to, newspaper delivery;
- (6) If married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code;
- (7) All of the above cited exceptions to the curfew ordinance include travel to and from such activity by a direct route, and this article is in no way to be construed as a limitation upon normal travel by a minor engaged in interstate movement;
- (8) Each of the foregoing exceptions are severable and in addition other possible exceptions may be added hereto in the future as warranted by experience as illuminated by the views of student government associations, school personnel, citizens, neighborhood spokesman, parents, officers, and persons in authority concerned positively with minors as well as juvenile delinquency.

SECTION 44-2 (d) PARENTAL RESPONSIBILITY

It shall be unlawful for a parent knowingly to permit a minor in his or her care to be or remain in any public place or to be or remain in any establishment other than for exempt activities during the curfew hours established by this article. The term “knowingly” includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in such parent’s custody. It shall be prima facie evidence of violation of this section if a responsible parent has no knowledge of a minor’s whereabouts during the hours of curfew established by this article.

SECTION 44-2 (e) POLICE PROCEDURE

- (a) A La Marque police officer, upon finding or having his or her attention called to any minor in or on a public place or in or on the premises of a business establishment in prima facie violation of this article, may, if there exists reasonable grounds to believe that the minor has engaged in delinquent conduct or conduct indicating a need for supervision in accordance with Section 51.03 and 52.01 of the Texas Family Code, take the minor into custody. A parent shall be immediately notified to pick up the minor upon his or her arrival to the La Marque Police Department. A police officer taking a minor into custody shall also have discretion to deliver such minor to a parent under circumstances deemed appropriate by the officer.
- (b) Upon picking up a minor in custody, said parent shall be interrogated about the circumstances of such activity of the minor. This is intended to permit ascertainment, under constitutional

safeguards, of relevant facts, and to centralize responsibility for accurate, effective, fair, and impartial and uniform enforcement and recording, thus making available experienced supervisory personnel, the best of facilities, and, if required, referral to social agencies equipped to handle family problems that may be disclosed by investigation. In the absence of convincing identification, a police officer on the street may use his or her best judgment in determining age. Police procedures shall be constantly refined in the light of experience, and changes herein may be made on the basis of such experience.

- (c) In any event, a police officer shall within twenty-four (24) hours file a written report on the minor incident or shall participate to the extent possible in the preparation and filing of such report by his supervisor.
- (d) When a parent has come to take charge of a minor and the appropriate information has been received, the minor shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the minor, then the minor shall be released to any adult blood relative. However, the police department shall have the discretion to refuse to turn the child over to persons other than the natural parents or legal guardians, if circumstances warrant such refusal in their opinion.
- (e) In the case of a violation of a minor not resulting in custody at the La Marque Police Department, the police department shall by certified mail notify the minor's parents of the violation of the minor and include a warning that subsequent violations will result in full enforcement of this article, including the enforcement of parental responsibility by criminal action.
- (f) A La Marque police officer taking into custody a person younger than seventeen (17) years of age for violation of the curfew herein set, shall, without necessary delay:
 - 1. Release the person to the person's parent, guardian or custodian;
 - 2. Take the person before a justice or municipal court to answer the charge; or
 - 3. Take the person to a place designated as a juvenile curfew processing office by the La Marque Chief of Police.

SECTION 44-2 (f) PENALTIES

Prevailing community standards as reflected by this article require the availability of criminal penalties in order for this article to be a viable instrument for the maintenance of such standards. Consequently, violation of this article by any person shall be deemed to be a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00). Minors who shall violate the provisions of this article three (3) times shall be subject to appropriate action by juvenile authorities.

SECTION 44-2 (g) SEVERABILITY

Severability is intended throughout and within this article. If any provision, including any section, paragraph, sentence, clause, phrase or word or the application thereof to any person or circumstances is held invalid, the application to other persons or under other circumstances shall not be affected thereby and the validity of the provision in any and all other respects shall not be affected thereby. It is intended that this provision be held inapplicable in any case if such exists, where its application would be

unconstitutional construction hereof is intended and shall be given. There is no intent herein to violate either the Texas Constitution or the Constitution of the United States.

SECTION 44-2 (h) REVIEW OF JUVENILE ORDINANCE

Before the third anniversary of the date of an adoption of a juvenile curfew ordinance and every third year after, the governing body shall:

- (1) review the ordinance's effects on the community and on problems the ordinance was intended to remedy;
- (2) conduct public hearings on the need to continue the ordinance; and
- (3) abolish, continue, or modify the ordinance.

Failure to act in accordance with Section 44-2 shall cause the ordinance to expire upon the third anniversary date of adoption."

PASSED AND APPROVED on the first reading this 24th day of February 2014.

PASSED AND APPROVED on the second reading this ____ day of ____ 2014.

Bobby Hocking, Mayor
City of La Marque, Texas

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney

ATTEST:

Robin Eldridge, City Clerk



CITY COUNCIL AGENDA FORM

Meeting Date: August 7, 2017

Prepared by: Chief Kirk Jackson

Department: Police

Agenda item: 7a

Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. **O-2017-0013**, repealing Sec. 62-51; Maximum limits in school zones generally, and Sec. 62-108; Designated, and Sec. 62-139; Parking prohibited on certain streets during school hours; and in its place adopting a new Sec. 62-51; Maximum limits in school zones generally, and Sec. 62-108; Designated, and Sec. 62-139; Parking prohibited on certain streets during school hours Chapter 62, of the Code of Ordinances, City of La Marque, Texas. **THIS IS THE FIRST READING.**



Attach for reference

1. Proposed Ordinance
2. Proposed changes to Section Sec. 62-51; Maximum limits in school zones generally, and Sec. 62-108; Designated, and Sec. 62-139; Parking prohibited on certain streets during school hours.
3. 2017-2018 TCISD school times including schools located in the City of La Marque.

STAFF BRIEFING:

- On 8/1/2017 Public Services and Police Department staff members met with Texas City ISD Transportation staff to discuss the desired changes to City Ordinance.
- Beginning and ending times for La Marque schools will change in the coming school year and, therefore, revision to the times that school zones will be enforced is needed to protect the safety of the school children walking to and from school properties.
- School zone signage reflecting school zone locations and times will be adjusted by Public Services staff as needed depending on each school's start and end times.
- Neuman Road, which is located on the south side of La Marque Middle School was identified as no longer needing to be designated a one-way street during school zone hours.
- The property on Magnolia Drive that once housed Highlands Elementary is no longer a school and therefore the designation as a one-way street during school zone hours is no longer needed.
- The property on Scott Street that once housed the Early Childhood Learning Center is vacant and no longer a school property and therefore the designation as a one-way street during school zone hours is no longer needed.
- McArthur Drive is on the South side of the La Marque Elementary School on Vauthier Street.
- Texas City ISD transportation desires to designate McArthur Drive as a one-way street, with West-bound only traffic, from Westward Avenue to Vauthier Street during the drop-off and pick-up of the students in order to minimize the impact of traffic congestion on the citizens and residents.



CITY COUNCIL AGENDA FORM

HISTORY:

- The La Marque Code of Ordinances, Sections. 62-51; Maximum limits in school zones generally, 62-108; Designated, and 62-139; Parking prohibited on certain streets during school hours address school zone hours, speed limits in school zones, one-way roads during school zone hours and parking on the roadway during school zone hours.
- Beginning in school year 2016-2017, the La Marque Independent School District merged with the Texas City Independent School District.
- Texas City ISD staff began an analysis of the La Marque ISD structures and identified which ones would be demolished.
- During the summer break between 2016-2017 and 2017-2018 school years, Texas City ISD began demolishing structures. As a result, the need for school zone regulations within the La Marque Code of Ordinances has changed.
- The La Marque Schools and grade levels are as follows:
 - La Marque Primary School on Lake Road houses grades Pre-K through 1st
 - La Marque Elementary School on McArthur Drive houses grades 2nd through 4th
 - La Marque Middle School on Bayou Road houses grades 5th through 8th
 - La Marque High School houses grades 9th through 12th
- City of La Marque staff met with Texas City ISD staff and received input and requests for changes to school zone times, distances and signage.
- Texas City ISD staff members requested making McArthur Drive a one-way street, for Westbound only traffic, during the morning school zone hours from 7:00 a.m. until 8:00 a.m., and the afternoon school zone hours from 3:00 p.m. until 4:00 p.m.

TARGET IMPLEMENTATION:

After adoption of a proposed ordinance on First Reading, conducting a Public Hearing, and adoption of the Ordinance on the Second Reading.

SIGNIFICANT ACTION DATES:

- 8/7/2017 – First Reading of the proposed ordinance (Public Hearing)
- 8/14/2017 – Conduct a Public Hearing and adopt the ordinance at Second Reading

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:	
Budgeted	\$0.00
Actual Bid	TBD
Estimated Expenditure	To be provided by Public Services
Acct. Name(s)	Traffic Control Maintenance
Line Items #	01-3090-12-00
Other Funding	\$0.00



CITY COUNCIL AGENDA FORM

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2017-0013**, repealing Sec. 62-51; Maximum limits in school zones generally, and Sec. 62-108; Designated, and Sec. 62-139; Parking prohibited on certain streets during school hours, Chapter 62, of the Code of Ordinances, City of La Marque, Texas; and in its place adopting a new Sec. 62-51; Maximum limits in school zones generally, and Sec. 62-108; Designated, and Sec. 62-139; Parking prohibited on certain streets during school hours.

FISCAL IMPACT: Signage will need to be changed according to each school's start and end times. Public Services staff will make the needed changes prior to start date of the new school year.

Item 7a. Proposed Ordinance No. O-2017-0013

**This item is forthcoming and will be in the backup at
the
Special Meeting on Monday, August 7, 2017**

Sec. 62-51. - Maximum limits in school zones generally.

- (a) Pursuant to the provisions of and authority vested by state law, the city council does hereby establish a prima facie speed limit of 20 miles per hour for any motor vehicle being operated or driven on a public street within a school zone designated in accord with this section, and it shall be unlawful for any person to drive a motor vehicle at a rate of speed in excess of such limit in any such school zone, except for school zones located within a street or highway designated or marked as part of the state highway system, in which event, the prima facie speed limit shall be as prescribed in division 2 of this article for such state highway.
- (b) School zones shall be designated at all schools by the chief of police by signs or other markings which indicate the school zone hours at such location. No school zone shall extend more than 400 600 feet from the property line of any school located in the city. School zones shall be designated only during school days and between the hours of 7:30 7:00 a.m. and 4:00 5:00 p.m., on school days, or for such intervals during such hours as shall be determined by the chief of police, giving due regard to the need for steady traffic flow, obedience to school zone speed limits and the safety of school-children.
- (c) The term "school," as used in this section, shall include public and parochial schools. The term "school days" shall mean those days when pupils are in regular attendance at the public or parochial schools for which speed zones are marked.

(Code 1972, § 18-41; Ord. No. 243, arts. I—III)

Sec. 62-108. - Designated.

- (a) The following street in the vicinity of La Marque Elementary School is hereby designated as a one-way street for vehicular traffic traveling thereon on school days, generally between the hours of 7:00 a.m. and 8:00 a.m. and from 3:00 p.m. and to 4:00 p.m.:

McArthur Drive, from Westward Avenue to Vauthier Street is designated as a one-way street for vehicular traffic moving west only during the time set out above.

- ~~(a) The following street in the vicinity of Bayou Road School is hereby designated as a one-way street for vehicular traffic traveling thereon on school days, generally between the hours of 7:45 a.m. and 8:15 a.m. and from 3:00 p.m. and to 3:30 p.m.:~~

~~Newman Street, adjoining the La Marque Junior High School on the south is designated as a one-way street for vehicular traffic moving west only during the time above set out.~~

- ~~(b) The following portion of Magnolia Street in the vicinity of Highlands Elementary School is hereby designated as a one-way street for vehicular traffic traveling thereon on school days between the hours of 7:30 a.m. and 8:00 a.m. and from 2:30 p.m. to 3:00 p.m.:~~

~~Magnolia Street, from Lake Road to Possum Trot Street, is designated as a one-way street for vehicular traffic moving east only during the time set out above.~~

- ~~(c) The following street in the vicinity of Early Childhood Learning Center is hereby designated as a one-way street for vehicular traffic traveling thereon on school days, generally between the hours of 7:00 a.m. and 8:30 a.m. and from 2:00 p.m. and 3:30 p.m.:~~

~~Scott (from the intersection of Norman and Scott to the intersection of Scott and Bayou Road), adjoining the Early Childhood Learning Center School is designated as a one-way street for vehicular traffic moving west only during the time above set out.~~

(Code 1972, § 18-64; Ord. No. 195, § I; Ord. No. 282, § I; Ord. No. 629; Ord. No. 865, § 1, 6-14-1999)

Sec. 62-139. - Parking prohibited on certain streets during school hours.

- (a) It shall be unlawful for any person to park, stop or leave standing any motor vehicle upon the following designated streets within the city during school days between the hours of 7:00 a.m. and 4:00 5:00 p.m.:

~~(1) On the south one half of Scott Street between Bayou Road and Norman Street.~~

- (1) Duroux Road from FM 1765, to a distance of 1,390 feet south, along both the east and west side roadway shoulders.
 - (2) Anita Street from FM 1765 to the dead end, a distance of 650 feet, along both the east and west sides of the street.
 - (3) Newman Road from FM 1765 to the I-45 Frontage Road, along both the east and west side roadway shoulders. The parking prohibitions of this subsection shall not apply to those residents of Newman Road or their guests.
 - (4) McKinney Extension from the I-45 Frontage Road, along both the north and south side roadway shoulders. The parking prohibitions of this subsection shall not apply to those residents of Newman Road or their guests.
- (b) The term "school," as used in this section shall include public and parochial schools and the term "school days" shall mean those days when pupils are in regular attendance at the public or parochial schools.

(Code 1972, § 18-82; Ord. No. 177, Arts. I, II; Ord. No. 757; Ord. No. 929, § 18-82, 9-22-2003)

Texas City ISD
2017-2018 School Start and Dismissal Times

Campus	Students	
	Start Times	Dismissal Times
Calvin Vincent Early Childhood Center	8:00 am	2:15 pm
Heights Elementary	8:00 am	3:35 pm
Kohfeldt Elementary	8:00 am	3:35 pm
La Marque Elementary	8:00 am	3:35 pm
La Marque Primary	7:50 am	3:25 pm
Northside Elementary	8:00 am	3:35 pm
Roosevelt-Wilson Elementary	8:00 am	3:35 pm
Levi Fry Intermediate	7:30 am	3:05 pm
Blocker Middle School	8:25 am	4:00 pm
La Marque Middle School	8:25 am	4:00 pm
La Marque High School	8:35 am	4:10 pm
Texas City High School	8:35 am	4:10 pm
Woodrow Wilson DAEP	8:30 am	4:05 pm

THERE IS NO BACKUP FOR THE FOLLOWING ITEMS

- 7b. Discussion/ possible action calling the First Public Hearing for the proposed FY 2017-2018 Tax Rate to be held on Monday, August 14, 2017 and the Second Public Hearing for the 2017-2018 Tax Rate to be held on Tuesday, August 29, 2017 – Finance Director S. Kou**
- 7c. Discussion/possible action calling the First Public Hearing for the proposed FY 2017-2018 Budget to be held on Monday, August 21, 2017 and the Second Public Hearing for the 2017-2018 Budget to be held on Tuesday, September 5, 2017 – Finance Director S. Kou**