

**CITY OF COCKRELL HILL, TEXAS
ORDINANCE NO. 2009-E**

**AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS,
CONTINUING SECTIONS 130.45 – 130.99 OF THE CITY OF
COCKRELL HILL CODE OF ORDINANCES RELATING TO “CURFEW
HOURS FOR MINORS;” MAKING FINDINGS RELATIVE THERETO;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, persons under the age of seventeen (17) years are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

WHEREAS, the City Council of the City of Cockrell Hill has previously adopted an ordinance to regulate the curfew of persons under the age of seventeen (17) years (“Juvenile Curfew Ordinance”), which ordinance is codified as Sections 130.45 – 130.99 of the City of Cockrell Hill Code of Ordinances; and

WHEREAS, on February 10, 2009, the City of Cockrell Hill City Council held a public hearing, as required by Section 370.002(a)(2) of the Texas Local Government Code; and

WHEREAS, at the public hearing referenced above, the City Council received input from the City’s Chief of Police and reviewed the City’s Juvenile Curfew Ordinance’s effects (i) on the community and (ii) on problems the ordinance was intended to remedy; and

WHEREAS, the City Council has determined, based on the evidence presented at said public hearings, that the City’s Juvenile Curfew Ordinance should be continued in its entirety (i) because of the positive impact said ordinance has and has had on the community and (ii) since the Juvenile Curfew Ordinance helps eliminate crime by juveniles and protects juveniles from becoming the victims of crime.

WHEREAS, the City of Cockrell Hill has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public and for the reduction of the incidence of juvenile criminal activities; and

WHEREAS, the City Council has determined that the continuation of the curfew for those under the age of 17 years will be in the best interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Cockrell Hill; and

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

SECTION 1. All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. The City's Juvenile Curfew Ordinance shall be continued in existence until such time as the next legally-mandated review of the Juvenile Curfew Ordinance, three years from the date of this 2009 review.

SECTION 3. This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED the 24th day of February, 2009.



Luis Carrera, Mayor
City of Cockrell Hill, Texas

ATTEST:



Bret Haney, Executive Assistant
City of Cockrell Hill, Texas

[SEAL]

APPROVED AS TO FORM:



Robert F. Brown, City Attorney
City of Cockrell Hill, Texas

CITY OF COCKRELL HILL, TEXAS

ORDINANCE NO. 2009-F

AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, CHAPTER 50, "SOLID WASTE," BY AMENDING 50.23 RELATIVE TO THE LOCATION OF APPROVED RECEPTACLES; PROVIDING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 50 of the City of Cockrell Hill Code of Ordinance ("Code") sets forth the solid waste and garbage service requirements in the City of Cockrell Hill ("City"), and

WHEREAS, the City has become aware of revisions necessary in the City's provisions regarding the location and placement of trash receptacles set forth in Section 50.23 of Code; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to amend Chapter 50 of the Code by amending Section 50.23 relating to the location and placement of trash receptacles.

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

Section 1. That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Code of Cockrell Hill, Chapter 50, Section 50.23, is hereby amended to read as follows (with the amended language underscored in this ordinance for illustrative purposes only:

§ 50.23 LOCATION OF APPROVED RECEPTACLES.

Each approved receptacle shall be placed at curbside on the day of scheduled garbage pick up within arm's length of the road, without interfering with or endangering the movement of vehicles or pedestrians and be removed within 24 hours from the curbside. Curbside refers to that portion of right-of-way adjacent to paved or traveled city roadways, excluding alleys. In the event construction work is being performed, or the curbside is otherwise unavailable, approved receptacles shall be placed as close as practicable to an access point for the collection vehicle. Receptacles should not be placed out any earlier than 7 p.m. on the night preceding the day of pick up and receptacles must be removed by 7 p.m. on the day of pick up. After removing the receptacle from the curbside, it should be placed at the side or rear of the main structure.

Section 3. Any person, firm or corporation violating any of the provisions or terms of this ordinance or the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

Section 4. This ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 5. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the ordinance, and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

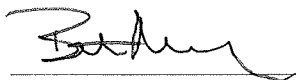
Section 6. This ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

PASSED AND APPROVED on the 24th day of February, 2009.



Luis Carrera, Mayor
City of Cockrell Hill, Texas

ATTEST:



Bret Haney, Executive Assistant
City of Cockrell Hill, Texas

[SEAL]

APPROVED AS TO FORM:



Robert F. Brown, City Attorney
City of Cockrell Hill, Texas