

ORDINANCE NO. 08-053

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, EXTENDING A MANDATORY CURFEW EFFECTIVE BETWEEN THE HOURS OF 8:00 P.M. AND 6:00 A.M FOR THE CITY OF GALVESTON; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City of Galveston on the 10th day of September 2008 the Mayor of the City of Galveston pursuant to Government Code Chapter 418 (the Texas Disaster Act of 1975) declared a Local State of Disaster pending the imminent threat of widespread or severe damage, injury, and loss of life and property, resulting from the approaching storm "Hurricane Ike", and

WHEREAS, the President of the United States, the Governor of the State of Texas, and the County of Galveston, Texas declared a Declaration of Disaster in response to the occurrence of widespread and severe damage resulting from Hurricane Ike in the City of Galveston, Texas; and,

WHEREAS, the Mayor of the City of Galveston, pursuant to the Texas Disaster Act of 1975, extended the Declaration of a Local State of Disaster due to the catastrophic damage to the City including but not limited to infrastructure including loss of water, sewer, natural gas, and electric power, limited emergency response services including police and fire, debris creating hazardous situations and health related hazards throughout the City, the medical community cannot meet emergency needs of individuals in the City, and normal City services are not available; and,

WHEREAS, on September 12, 2008, the Mayor Ordered a Mandatory Curfew between the hours of 8:00 p.m. and 5:00 a.m. for Friday, September 12, 2008 thru Sunday, September 14, 2008: and,

WHEREAS, the Mayor on September 14, 2008 extended the Mandatory Curfew between the hours of 6:00 p.m. and 6:00 a.m. until further notice; and,

WHEREAS, the City Council finds that it is in the public interest to protect public health, safety, property, and the general welfare of the public to continue the curfew but modify it slightly to begin not at 6:00 p.m. but at 8:00 p.m. until 6:00 a.m. so as to allow residents and contractors to continue work during available daylight hours; and,

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. In the interest of the public health, safety, protection of persons and property, and for the general welfare of the public, it shall be unlawful for any person, without proper authority, to be upon the public streets or rights-of-way located within the City of Galveston between the hours of 8 P.M. and 6 A.M. the next morning.

SECTION 2. This curfew and the hours of this curfew may be altered, changed, or lifted, by order of the Council at any time; however, said curfew shall remain in effect until such order is made.

SECTION 3. Any person who shall violate any provision of this Ordinance may be subject to arrest and shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a penal sum not to exceed \$2,000.00.

SECTION 7. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clause, sentences, paragraphs and sections of this Ordinance.

SECTION 8. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 9. This Ordinance shall be and become effective at 10:00 a.m. on September 24, 2008.

APPROVED AS TO FORM:

Susie Green
City Attorney.

I, Barbara S. Lawrence, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its special meeting held on the 24th day of September, 2008, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this _____ day of _____, 20____.

Secretary for the City Council
Of the City of Galveston