

ORDINANCE NO. 40-1988

AN ORDINANCE AMENDING CHAPTER 1, "GENERAL PROVISIONS," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 1, "General Provisions," of the Abilene City Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or Two Thousand Dollars (\$2,000.00), as set out in Exhibit A. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 11 day of August,
A. D. 19 88.

PASSED ON SECOND AND FINAL READING this 25 day of
August, A. D. 19 88.

ATTEST:

Patricia Hancock
CITY SECRETARY

Dale E. Ferguson
MAYOR

APPROVED:

Harry Cayul
CITY ATTORNEY

Exhibit "A"

1. That Section 1-9 is hereby repealed.
2. That Section 1-9 shall hereafter read as follows:

Sec. 1-9. General penalty for violation of Code; continuing violations; culpable mental state not required.

(a) Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not exceeding Five Hundred Dollars (\$500.00); provided, however, that the following specific codes and Code sections, shall be punished by a fine not exceeding Two Thousand Dollars (\$2,000.00) on all offenses on and after October 1, 1988:

- (1) Section 23-301, zoning and amendments.
- (2) Section 23-251, subdivision ordinance and amendments.
- (3) Section 8-481, Uniform Building Code, 1979, and amendments.
- (4) Section 8-496, National Electrical Code, 1981, and amendments.
- (5) Section 8-511, Uniform Plumbing Code, 1982 edition.
- (6) Section 8-526, Uniform Mechanical Code, 1979, and amendments.
- (7) Section 8-551, Uniform Housing Code, 1970, and amendments.
- (8) Section 10-46, Uniform Fire Protection Code, 1979, and amendments.
- (9) Chapter 11, food and food handlers.
- (10) Sections 19-1 to 19-3, nuisance.

- (11) Section 27-28, certain matter not to be deposited, refuse chapter.
- (12) Section 32-62(d), remedies.

(b) Furthermore, a culpable mental state is not required for the commission of an offense under this Code unless the provision defining the conduct expressly requires a culpable mental state, otherwise the requirement of a culpable mental state is expressly dispensed with for purposes of constituting, alleging, or proving a violation of a provision of this Code.

Each day of any violation of this Code or of any ordinance shall constitute a separate offense.

State law reference-Penalties for violation of ordinances, V.T.C.A. Local Government Code §54.001, and V.T.C.A. Penal Code, §6.02(b).