

AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, SECTION 1-9(a), AND CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SECTION 23-301(b) OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the City of Abilene is required to comply with the requirements of Chapter 6 of the Texas Penal Code, the City Council of the City of Abilene deems it necessary to amend Chapter 1, General Provisions, Sec. 1-9(a), General penalty for violation of Code; continuing violations; culpable mental state not required; and Chapter 23, Planning and Community Development, Subpart E, Zoning, Article I, In General, Sec. 23.301(b), Comprehensive zoning ordinance; now therefore,

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

- PART 1:** That Chapter 1, General Provisions, Sec. 1-9(a), General penalty for violation of Code; continuing violations; culpable mental state not required, of the City of Abilene Municipal Code, be amended as set forth in EXHIBIT A, attached hereto and made a part of this Ordinance for all purposes.
- PART 2:** That Chapter 23, Planning and Community Development, Subpart E, Zoning, Article I, In General, Sec. 23.301(b), Comprehensive zoning ordinance, of the City of Abilene Municipal Code, be amended as set forth in EXHIBIT B, attached hereto and made a part of this Ordinance for all purposes.
- PART 3:** That if any provision or section of this Ordinance is held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining Ordinance provisions or sections, which shall remain in full force and effect.
- PART 4:** That this ordinance is effective for any and all offenses occurring on or after September 1, 2005 and supercedes all ordinances that call for a higher penalty.

PASSED ON FIRST READING this 25th day of August, 2005.

After passage on first reading a notice of the time and place said ordinance was given a public hearing and consideration for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene. The same being more than 24 hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final hearing. 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.

EXHIBIT B

ORDINANCE NO. 46-2005

CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, ARTICLE 1. IN GENERAL, SECTION 23-301(b), of the City of Abilene, Texas, is hereby amended as follows:

DELETE:

Sec. 23.301(b). Comprehensive zoning ordinance.

...two thousand dollars (\$2,000.00)

REPLACE WITH:

Sec. 23.301(b). Comprehensive zoning ordinance.

...five hundred dollars (\$500.00),

EXHIBIT A

ORDINANCE NO. 46-2005

CHAPTER 1, GENERAL PROVISIONS, SECTION 1-9, "General penalty for violation of Code; continuing violations; culpable mental state not required", of the City of Abilene, Texas, is hereby amended as follows:

DELETE THE FOLLOWING PORTION OF:


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

...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 and amendments.
- (4) Section 8-496, National Electrical Code and amendments.
- (5) Section 8-511, Uniform Plumbing Code and amendments.
- (6) Section 8-526, Uniform Mechanical Code and amendments.
- (7) Section 8-551, Uniform Housing Code and amendments.
- (8) Section 10-46, Uniform Fire Code and amendments.
- (9) Chapter 11, food and food handlers.
- (10) Sections 19-1 to 19-3, nuisances.
- (11) Section 27-28, certain matter not to be deposited, refuse chapter.
- (12) Section 32-62(d), remedies; and 32-146(b), stage 2 and stage 3.

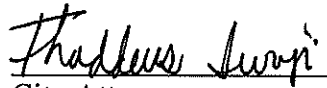
PASSED ON SECOND AND FINAL READING this 8th day of September 2005.

ATTEST:


Jo Moore
City Secretary


Norm Archibald
Mayor

APPROVED:


Thaddeus Swopi
City Attorney