

ORDINANCE NO. 13-2023

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AMENDING SECTION 1-9, GENERAL PENALTY**

WHEREAS, City of Abilene Code of Ordinances Section 1-9 sets the general penalty for violation of any ordinance as a fine not to exceed \$500; and

WHEREAS, Texas Government Code Chapter 29 gives a municipal court exclusive original jurisdiction over criminal cases within its territorial limits that arise under ordinances or resolutions, rules or orders of a joint board; and

WHEREAS, such ordinance violations are punishable by a fine not to exceed \$2,000.00 in cases arising under ordinances that govern fire safety, zoning, or public health and sanitation, other than dumping or refuse, and \$500 in all other criminal municipal cases; and

WHEREAS, the inclusion of a maximum fine of \$2,000.00 for fire safety, zoning, and public health and sanitation ordinance violations, other than dumping or refuse, would provide a valuable enforcement tool for the City and encourage ordinance compliance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF ABILENE, TEXAS**

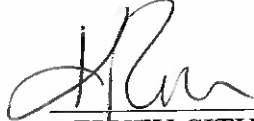
- PART 1:** That the City Council of the City of Abilene amend Section 1-9, General penalty for violation of Code, included as Exhibit "A", attached hereto and made a part of this Ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.
- PART 4:** 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 23rd day of February, 2023.

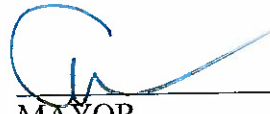
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 5th day of March, 2023, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 9th day of March, 2023, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 9th day of March, 2023.

ATTEST:



DEPUTY CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

Exhibit A

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); unless the ordinance governs zoning, in which case an offense arising under it shall be punished by a fine not exceeding two thousand (\$2,000.00) dollars.

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

(b) Furthermore, a culpable mental state is not required for the commission of an offense under this Code punishable by a fine not exceeding five hundred dollars (\$500.00) 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.