

ORDINANCE No. 34-2010

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ADOPTING AND ENACTING A NEW CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE AMENDMENT OF SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, The City of Abilene currently has a Code of Ordinances ("Code") published by Municode; and

WHEREAS, the City Secretary has determined it is beneficial for the City of Abilene to have the Code republished by Franklin Legal;

WHEREAS, in May, 2010 the City entered into a Professional Services Agreement with Franklin Legal for the republication of the Code; and

WHEREAS, Franklin Legal has completed the republication of the Code with any and all ordinances passed on or before June 24, 2010 as requested by the City Secretary; and

WHEREAS, this ordinance approves and enacts the Code as republished by Franklin Legal.

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

Section 1: That the Code of Ordinances of the City of Abilene, Texas, consisting of chapter 1 through 32, each inclusive, and Appendices, as published by Franklin Legal is hereby adopted and enacted which shall supersede all other general and permanent ordinances of the City passed on or before June 24, 2010.

Section 2: All ordinances of a general and permanent nature enacted on or before June 24, 2010, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3: The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4: Unless a differing penalty is expressly provided for within the Code, every person convicted of a general violation of any provision of the Code or any rule, ordinance, or police regulation of the City shall be punished by a fine not to exceed \$2,000.00 for violations of all such rules, ordinances and police regulations that govern fire safety, zoning, or public health and sanitation, including dumping of refuse, and not exceeding \$500.00 for all other violations. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5: Additions or amendments to the Code when passed in such form as to indicate the intention of the City Council to make same a part of the Code shall be deemed to be incorporated into the Code, so that reference to the Code includes the additions and amendments.

Section 6: Ordinances adopted after June 24, 2010, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

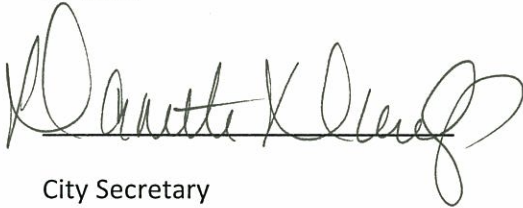
Section 7: This ordinance and the Code adopted hereby shall become effective upon final passage of this ordinance.

PASSED ON FIRST READING this the 26th day of October, 2010.

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 24th day of October, 2010 the same being more than twenty four (24) hours prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 4th day of November, 2010 to permit the public to be heard prior to final consideration of this ordinance. 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 SECOND AND FINAL READING THIS 4th day of November, A.D.2010.

ATTEST:

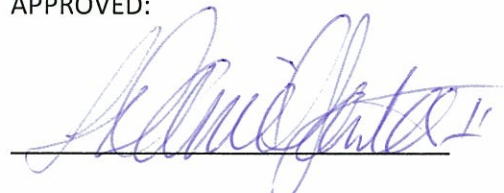


City Secretary



Mayor

APPROVED:



City Attorney