

ORDINANCE NO. 2014- 11

**AN ORDINANCE OF THE CITY OF UVALDE, TEXAS, AUTHORIZING AND ESTABLISHING REGULATIONS FOR THE ENFORCEMENT OF THE MUNICIPAL CODE OF ORDINANCES AND OTHER CODES AND ORDINANCES OF THE CITY; AUTHORIZING ANY DESIGNATED CODE ENFORCEMENT OFFICER, INSPECTOR, ANIMAL CONTROL OFFICER OR LICENSED PEACE OFFICER OF THE CITY TO ISSUE CITATIONS FOR VIOLATIONS OF THE MUNICIPAL CODE OF ORDINANCES AND OTHER CODES AND ORDINANCES OF THE CITY; PROVIDING A PENALTY CLAUSE; AND PROVIDING SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES.**

**WHEREAS**, the City Council of the City of Uvalde, Texas (the "City") seeks to promote the public health, safety, morals and general welfare of the municipality and the safe, orderly, and healthful development of the City;

**WHEREAS**, the City Council of the City finds that state law does not provide rules and regulations relating to issuance of citations in criminal cases stemming from local ordinances by non-peace officers;

**WHEREAS**, the City Council of the City desires to enact an ordinance which authorizes Code Enforcement Officers, Inspectors, Animal Control Officers and Licensed Peace Officers to issue citations to provide for the enforcement of the Code of Ordinances and other Codes and Ordinances of the City as provided herein;

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City, and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace or order of the City to adopt an ordinance regulating the issuance of citations in criminal cases stemming from local ordinances by non-peace officers.

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

**SECTION 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this Ordinance are reasonable and necessary to protect the public health, safety and quality of life.

**SECTION 2. Enforcement of Code.** Chapter 1.12, General Penalty, of the Code of Ordinances of the City is hereby amended by adding Section 1.12.030, Enforcement, to the Code of Ordinances, authorizing Code Enforcement Officers, Inspectors, Animal Control Officers and Licensed Peace Officers to issue citations and enforce the provisions of the Code of Ordinances of the City as follows:

### **1.12.030 Enforcement**

- (a) Enforcement of this Code and any and all applicable codes and ordinances within the City of Uvalde and the State of Texas shall be the responsibility of any designated Code Enforcement Officer, Inspector, Animal Control Officer or Licensed Peace Officer of the City.
- (b) Any officer authorized to enforce this Code, shall have the authority to issue citations for any violation of this Code and any and all other codes or ordinances of the City. In lieu of issuing a citation pursuant to this section, notice of an alleged Code violation may be made by service of a summons pursuant to Article 23.04 of the Code of Criminal Procedure. An allegation of a Code violation by a corporation or association shall be made pursuant to Chapter 17A of the Code of Criminal Procedure.
- (c) It shall be unlawful for any person to interfere with or obstruct any Code Enforcement Officer, Inspector, Animal Control Officer or Licensed Peace Officer in the performance of their duties under this section and the enforcement of this Code. A person issued a citation, as authorized by this section, commits an offense if the person fails to appear or enter a plea with the Uvalde Municipal Court on or before the appearance date indicated on the citation. A person commits an offense if the person gives a false or fictitious name, address or other information to an individual authorized to issue a citation under this section.
- (d) The City Manager shall designate all Code Enforcement Officers, Inspectors and Animal Control Officers.

**SECTION 3. Penalty.** Any person who violates any provision of this Ordinance shall be guilty of an offense and shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire, safety, zoning or public health and sanitation, including the dumping of refuse, shall be punished by a fine not to exceed Two Thousand Dollars (\$2000.00). Each and every day such violation is continued shall be deemed to constitute a separate offense.

**SECTION 4. Severability.** If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 5. Amendment of Ordinances.** That all provisions of the Ordinances of the City of Uvalde, Texas, conflicting with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 6. Savings Clause.** All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting dangerous and substandard buildings within the City which are pending or have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and

criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7. Effective Date.** This Ordinance shall become effective from and after its date of passage in accordance with law.


**SECTION 8. Open Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Government Code.*

**PASSED AND APPROVED** on this the 24<sup>th</sup> day of June, 2014.

**THE CITY OF UVALDE, TEXAS**

ATTEST:

  
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Susan M. Conley, City Secretary

  
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Don McLaughlin, Jr., Mayor