

ORDINANCE NO. O-2009-52

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 1, "GENERAL PROVISIONS", ARTICLE I. "CITY CODE", SECTION 1-4., "GENERAL PENALTIES FOR VIOLATION OF CODE; CONTINUING VIOLATIONS", BY ADDING REFERENCES TO CHAPTER 7 ARTICLE III, CHAPTER 8 SECTION 8-50, CHAPTER 14 ARTICLE II, CHAPTER 16 AND CHAPTER 17 ARTICLES I AND VII REGARDING PROVISIONS HAVING MAXIMUM FINES OF \$2000 FOR VIOLATIONS IN SUBSECTION 1-4.B.; RENUMBERING SUBSECTIONS 1-4.B.4 THROUGH 1-4.B.6; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, the laws of the State of Texas, including those found in Chapter 51 of the Texas Local Government Code provide the City authority to adopt ordinances for the good government, peace, order, and welfare of the municipality; and

WHEREAS, Texas Local Government Code Section 54.004 provides that a home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, State law authorizes a maximum fine of two thousand dollars (\$2000.00) for violations of City ordinances that involve fire safety, zoning, or public health and sanitation, including dumping of refuse; and

WHEREAS, Tyler City Code Section 1-4 provides a non-exclusive list of City Code Sections related to fire safety, zoning, or public health and sanitation that have a maximum fine of \$2000 for such violations; and

WHEREAS, the City Council has determined that it is important that those City Code Sections which are important and/or common to maintaining the public health, safety, and sanitation and which ensure property rights and values enforced through zoning regulations be included in the list provided by Section 1-4;

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

PART 1: That Tyler City Code Chapter 1, "General Provisions", Article I. "City Code", Section 1-4., "General Penalties for Violation of Code; Continuing Violations", is hereby amended to read as follows:

- a. **No Change.**
- b. **No Change.**
 - 1. **No Change.**
 - 2. Chapter 6 governing buildings and structures, including any violation of the International Codes as adopted therein;
 - 3. Chapter 7, Article III, governing and regulating minimum standards for occupancy of buildings and structures, including sanitary facilities and substandard buildings;
 - 4. Chapter 8, Section 8-50 governing the operation of concessions in parks or recreation areas;
 - 5. Chapter 14, Article II, governing and regulating noxious odors or substances and fierce or dangerous conduct of animals.
 - 6. Chapter 16, governing the proper collection, removal, handling, or transporting of garbage, trash, or other types of solid waste
 - 7. Chapter 17, Article I governing and regulating the use of public right-of-ways and Article VII, governing and regulating the operation of commercial vehicles in residential areas;
 - 8. Chapter 18 governing littering, health and sanitation;
 - 9. Chapter 10, Unified Development Code, governing and regulating the platting, subdivision and development of land, or governing zoning;
 - 10. Chapter 19, including:
 - (a) **No Changes.**
 - (b) **No Changes.**
 - (c) **No Changes.**
 - (d) **No Changes.**
 - (e) **No Changes.**
 - (f) **No Changes.**
 - (g) **No Changes.**
 - (h) **No Changes.**
- c. **No Change.**

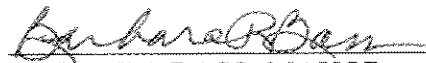
d. Each day or fractional part thereof that any violation of this Code or of any ordinance shall continue constitutes a separate offense. (Ord. No. O-98-45, 5/27/98) (Ord. No. O-2009-52, 4/22/09)

e. **No Change.**

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 ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be April 24, 2009.

PASSED AND APPROVED this 22nd day of April, A. D., 2009.


BARBARA BASS, MAYOR
CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


GARY C. LANDERS, CITY ATTORNEY

