

ORDINANCE NO. 0-2010-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 1, "GENERAL PROVISIONS", ARTICLE I, "CITY CODE", OF THE CODE OF ORDINANCES, CITY OF TYLER, TEXAS, BY ADDING NEW SECTION 1-5 REQUIRING A CULPABLE MENTAL STATE FOR CERTAIN OFFENSES AND RENUMBERING OLD SECTIONS 1-5 THROUGH 1-9; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Tyler seeks to provide for the health, safety and welfare of its citizens; and

WHEREAS, an amendment to Texas Penal Code § 6.02 enacted by the 79th Texas Legislature requires the inclusion of a culpable mental state for certain offenses defined by municipal ordinance; and

WHEREAS, the Council seeks to amend that portion of the City of Tyler Code of Ordinances relating to the general penalty for violations of the Code to add a general provision relating to culpable mental states;

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

PART 1: That Chapter 1, "General Provisions", Article I, "City Code", is hereby amended by adding new Section 1-5 and renumbering old Sections 1-5 through 1-7 as follows:

Sec. 1-5. Culpable Mental State Requirement.

a. Unless otherwise specifically stated within the provisions of this Code, any violation of this Code or of any ordinance set forth herein that is punishable by a fine that does not exceed the amount authorized by Section 12.23 of the Texas Penal Code does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such offense.

b. Unless otherwise specifically stated within the provisions of this Code, any violation of this Code or of any ordinance set forth herein that is punishable by a fine that exceeds the amount authorized by Section 12.23 of the Texas Penal Code shall require a culpable mental state of "criminal negligence. (Ord. 0-2010-26, 3/24/10)

Sec. 1-6. Amendments or additions to Code. *Re-numbered; No changes . . .*

Sec. 1-7. Supplementation of Code authorized. *Re-numbered; No changes . . .*

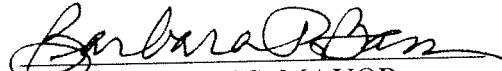
Sec. 1-8. All Rules in Code. *Re-numbered; No changes . . .*

Sec. 1-9. Reserved. *Re-numbered; No changes . . .*

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.

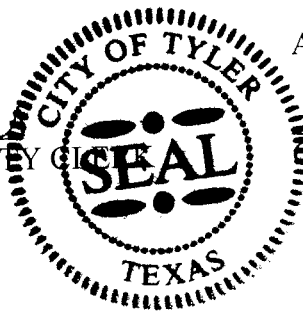
PART 3: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until 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 March 26, 2010.

PASSED AND APPROVED this 24th day of March, A. D., 2010.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


GARY C. SANDERS
CITY ATTORNEY