

ORDINANCE NO. 1355-2022

AN ORDINANCE AMENDING SECTION 1.01.009 “GENERAL PENALTY FOR VIOLATIONS OF CODE; CONTINUING VIOLATIONS” OF ARTICLE 1.01 “CODE OF ORDINANCE” OF CHAPTER 1 “GENERAL PROVISIONS” OF THE CODE OF ORDINANCES, CITY OF RIVER OAKS, TEXAS, AS AMENDED BY REVISING THE GENERAL PENALTY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council previously adopted a general penalty clause for violations of the Code of Ordinances, City of River Oaks, Texas; and

WHEREAS, in 2015 the legislature revised Section 54.001 of the Local Government Code regarding penalties for enforcement of city ordinances, rules and police regulations; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend its general penalty clause to conform to state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS, THAT:

SECTION 1.

Section 1.01.009 of Article 1.01 “Code of Ordinance” of Chapter 1 “General Provisions” of the Code of Ordinances, City of River Oaks, Texas is hereby amended to read as follows:

“Sec. 1.01.009 General penalty for violations of code; continuing violations

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, or 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). 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 other than dumping of refuse may not exceed two thousand dollars (\$2,000.00); a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed four thousand dollars (\$4,000.00). Provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. 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 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinance of the City of River Oaks, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinance or such code, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

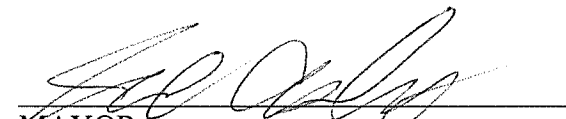
SECTION 4.

The City Secretary is directed to publish in the official newspaper of the City, the caption, and penalty clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

SECTION 5.

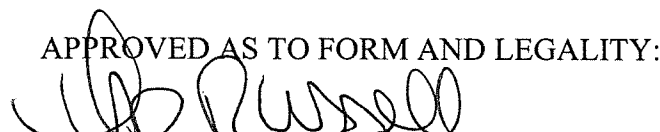
This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 23RD DAY OF AUGUST 2022.


MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY