

ORDINANCE NO. 25-06

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING CHAPTER 10 “GARBAGE, TRASH, WEEDS AND OTHER WASTE”, ARTICLE I “IN GENERAL”, DIVISION 2 “CLEANLINESS OF PREMISES” OF THE BRECKENRIDGE CODE OF ORDINANCES TO ADD SECTION 10-13 “PENALTY” TO ADD A PENALTY FOR VIOLATION OF SAID DIVISION 2 AND TO ESTABLISH A MINIMUM FINE FOR REPEATED VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge, Texas (the “City”) is a home-rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, the City has “the power to enact and enforce ordinances necessary to protect health, life, and property, and to prevent and summarily abate and remove all nuisances within the city”;

WHEREAS, to that end, the City Commission of the City (the “City Commission”) adopted Chapter 10, Article I, Division 2 of the Breckenridge Code of Ordinances to regulate nuisance conditions on property within the City;

WHEREAS, Section 54.001 of the Texas Local Government Code provides that a fine for an ordinance violation may be between \$500.00 and \$4,000.00, depending on the type of violation; and

WHEREAS, the City Commission wishes to establish a minimum fine for repeated violations of said Division 2.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS:

I. Addition of Section 10-13. Chapter 10 “Garbage, Trash, Weeds and Other Waste”, Article I “In General”, Division 2 “Cleanliness of Premises” of the Breckenridge Code of Ordinances is amended by adding Section 10-13 “Penalty” to read as follows, and all articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

Sec. 10-13. Penalty

(a) Subject to subsection (b), a violation of any provision of this Division shall be punished by a fine not exceeding \$500.00, up to \$2,000.00 if the Court finds that the violation relates to public health or sanitation, or up to \$4,000.00 if the Court finds that the violation relates to the dumping of refuse.

(b) A person who has been previously convicted of violating this Division shall be subject to a minimum fine of \$200.00 for subsequent convictions.

(c) Each day a violation continues constitutes a separate offense.

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

III. Severability. The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance, but they shall remain in effect notwithstanding the invalidity of any other part.

IV. Effective Date. This ordinance shall become effective immediately upon its adoption and after publication as required by the City Charter and the Texas Local Government Code.

PASSED, APPROVED, AND ADOPTED on this the 1st day of April 2025.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

S E A L