

ORDINANCE NO. 5344

AN ORDINANCE OF THE CITY OF MISSION, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 1: GENERAL PROVISIONS: SECTION 1-14: GENERAL PENALTY FOR VIOLATIONS OF CODE BY ADDING SUBSECTION (C); CONTINUING VIOLATIONS; AND PROVIDING THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

WHEREAS, the City Council of the City of Mission (“City Council”) seeks to promote public health, safety, and general welfare of the municipality and the safe, orderly and healthful development of the municipality; and within its extraterritorial jurisdiction, as prescribed by state law, through the enforcement of the city's ordinances and the efficient disposition of cases arising from such ordinances; and

WHEREAS, the City Council 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; and

WHEREAS, the City Council has determined that the local administration of justice requires that such rules and regulations exist; and

WHEREAS, the City Council has established a municipal court for the efficient disposition of cases arising from the city's ordinances; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or policy 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 it desirable that the any City Health Inspector, City Code Enforcement Inspector, Building Official or Inspector, and Public Works Director have the power to issue citations for violations of the City’s Code of Ordinances, including any appendix incorporated therein; and

WHEREAS, the City Council finds that it is necessary and proper for the protection of the welfare, health, peace, temperance, and safety of the City of Mission to adopt an ordinance amending regulations of who may issue citations.

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

Section 1. Findings of Fact: The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

Section 2: Enactment: Chapter 1 Section 1-14 of the Mission Code of Ordinances is hereby amended to add subsection (c) as provided herein:

(c) Pursuant to this section, and the scope of their assigned duties, a citation may be issued to a person violating this Code by any of the following individuals so designated by the city council:

- (1) Health Inspector or Officer;
- (2) Code Enforcement Inspector or Officer;
- (3) Building Inspector or Official;
- (4) Public Works Director;
- (5) Animal Control Officers.

Section 3. Repealer: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

Section 4: Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

Section 5: Codification: The City Secretary is hereby directed to record and publish the attached rule, regulations, and policies in the City's Code of Ordinances.

Section 6: Effective Date: This Ordinance shall be effective immediately upon passage and publication.

Section 7: Proper Notice and Meeting: It is hereby officially found and determined that the meeting at which this Ordinance was 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, Texas Government Code, Chapter 551.

CONSIDERED, PASSED, AND APPROVED this ____ day of July, 2023.

Norie Gonzalez-Garza, Mayor

ATTEST:

Anna Carillo, City Secretary

APPROVED AS TO FORM:

Victor A. Flores, City Attorney