

ORDINANCE NO. 2023 - \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTION 26 "CRIMINAL PENALTIES" OF CHAPTER 18 "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY CODE OF ORDINANCES TO IMPOSE A CIVIL PENALTY ON PERSONS WHO VIOLATE ARTICLE II; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Montgomery, Texas (the "City Council") desires to safeguard the health, safety and general welfare of the City of Montgomery, Texas (the "City") and its citizens;

**WHEREAS**, Section 26 of Chapter 18 of City Code provides for certain penalties for persons in violation of Article II, Chapter 18 of City Code; and

**WHEREAS**, City Council desires to impose an additional civil penalty for persons in violation of Article II, Chapter 18 of City Code; and

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

SECTION 1. The City Council adopts the findings and recitals above as true and correct.

SECTION 2. Section 18-26. Criminal Penalties of City Code is hereby amended and restated in its entirety to read as follows:

(a) A person, firm or corporation violating any provision of this article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500.00 for each act of violation, and each day of violation shall be considered a separate violation.

(b) In addition to proceeding under authority of this article, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or ordinances against a person continuing to violate this article.

(c) Any person, firm or corporation that operates under this article without a building permit shall be required to pay to the city an amount equal to two times the actual cost of a building permit in order to obtain said permit.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and

independent provision, and such holding shall not affect any of the remaining provisions of this Ordinance.

**SECTION 4.** All other ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance on all ordinances or sections of the City Code not specifically amended or repealed shall remain in full force and effect.

**SECTION 5.** It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code.

**SECTION 6.** This Ordinance shall take effect immediately upon its passage, adoption and publication.

**PASSED AND APPROVED** by the City Council of the City of Montgomery, Texas on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Byron Sanford, Mayor

ATTEST:

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Nicola Browe, City Secretary

APPROVED AS TO FORM:

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Alan P. Petrov, City Attorney