1	ORDINANCE NO. 2024-03-20-10
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3	AN ORDINANCE AMENDING THE CITY'S CODE OF
4	ORDINANCES, PART I, CHPATER 1, SECTION 1-4,
5	GENERAL PENALTY FOR VIOLATIONS OF CODE,
6	CONTINUING VIOLATIONS; DELETING CERTAIN
7	PROVISIONS INCONSISTENT WITH STATE LAW
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9	WHEREAS, the City of Rollingwood is a General Law Type A City under the statutes of
10	the State of Texas; and
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12	WHEREAS, the City Council of the City of Rollingwood ("City Council") previously
13	established a Code of Ordinances; and
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15	WHEREAS, in order to provide for consistency with state law, the City Council finds and
16	determines it appropriate to make amendments to the penalty provisions in certain sections of the
17	Code of Ordinances.
18 19	NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
20	ROLLINGWOOD, TEXAS, THAT:
21	ROLLING WOOD, TEXAS, TIMIT.
22	<b>SECTION 1.</b> All the above premises are hereby found to be true and correct legislative and factual
23	findings of the City Council and are hereby approved and incorporated into the body of this
24	Ordinance as if copied in their entirety.
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26	SECTION 2. Part I, Chapter 1, Section 1-14 of the City's Code of Ordinances is hereby amended
27	as follows, with deletions from the code delineated as strikethroughs and additions as underlined.
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29	Sec. 1-14. General penalty for violations of Code; continuing violations.
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31	(a) Whenever in this Code, in any ordinance of the city, or in any rule, regulation or order
32	promulgated by any officer or agency of the city under authority duly vested in him, an act
33	is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or
34	wherever in such Code or ordinance the doing of any act is required or the failure to do any
35	act is declared to be unlawful, and no specific penalty is provided therefor, the violation of
36	any such provision of this Code or any such ordinance, rule, regulation or order, shall be
37	punishable by a fine not to exceed the maximum allowed by state law or, if no penalty is
38	provided by state law, then \$500.00, except as otherwise provided in this section.
39	
40	(b) Any person who violates any provision of this Code relating to fire, public safety, zoning,
41	public health and sanitation or who shall commit an act relating to fire, public safety,
42	zoning, public health and sanitation prohibited, declared to be unlawful or made and
74	Zoming, public heards and summation promotion, declared to be unlawful of made and

declared to be a misdemeanor in this Code or any other ordinances shall be guilty of a misdemeanor and shall, upon conviction, be liable to a fine not to exceed \$2,000.00.

- (c) Any person who shall be convicted of dumping of refuse may be fined an amount up to and including \$4,000.00.
- (d) Violations of traffic laws and ordinances which are punishable as a Class C misdemeanor shall be punished by a fine not to exceed \$200.00.
- (e) Any condition designated as a nuisance under any provision of this Code or any other ordinance is hereby declared to be a misdemeanor.
  - (1) Any person, partnership, corporation or entity that shall create, maintain or allow a nuisance upon property owned or under the control of such person, partnership, corporation or entity shall be guilty of a misdemeanor and shall, upon conviction, be liable to a fine not to exceed \$500.00.
  - (2) Any person, partnership, corporation or entity who shall create, maintain or allow a nuisance relating to fire, public safety, zoning, public health and sanitation upon property owned or under the control of such person, partnership, corporation or entity shall be guilty of a misdemeanor and shall, upon conviction, be liable to a fine not to \$2,000.00.
- (f) Each day any violation of this Code shall continue shall constitute a separate offense.
- (g) Notwithstanding any other provision of this section, no penalty for violation of this Code or any ordinance of the city shall be greater or less than the penalty provided for the same or a similar offense under state law.
- (h) 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.
- (i) Any person who may be convicted in municipal court of the city or who may be committed to jail in default of the payment of the fine and costs adjudged against a person, may be ordered to community service work under the supervision of the police chief, or some person appointed by him; and such person convicted and ordered to community service, or in default of payment, shall be allowed credit against the community service time ordered, or against the fine and cost adjudged in the amount established for each day's work.

**SECTION 4**. All provisions of the ordinances of the City of Rollingwood in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other

provisions of the ordinances of the City of Rollingwood not in conflict with the provisions of this ordinance shall remain in full force and effect. **SECTION 5**. Should any sentence, paragraph, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole. **SECTION 6.** This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law provides. APPROVED, PASSED AND ADOPTED by the City Council of the City of Rollingwood, Texas, on the \_\_\_\_\_, 2024. **APPROVED:** Gavin Massingill, Mayor ATTEST: Desiree Adair, City Secretary