

**ORDINANCE NO. 0-2016-1**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY UPDATING THE MAXIMUM PENALTY FOR DUMPING OF REFUSE TO CONFORM WITH RECENT STATE LAW CHANGES; UPDATING CERTAIN SECTION NUMBERS AND CORRECTING WORDING; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to protect the public health, safety, and welfare; and

**WHEREAS**, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and general welfare of citizens; and

**WHEREAS**, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for good government, peace, or good order of the municipality; and

**WHEREAS**, Texas Local Government Code Chapter 29, Subchapter A, Sec. 29.003, Texas Local Government Code Chapter 54, Subchapter A, Sec. 54.001, and Texas Code of Criminal Procedure Chapter 4, Sec. 4.14 were recently amended to reflect an increase in the maximum penalty allowed for the offense of illegal dumping of refuse; and

**WHEREAS**, the City desires to amend Tyler City Code Section 1-4 to reflect recent changes in state law;

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

**PART 1:** That Tyler City Code Chapter 1, "General Provisions", Article I, "General penalties for violation of Code; continuing violations", is hereby amended by amending Section 1-4 to read as follows:

**Sec. 1-4. General penalties for violation of Code; continuing violations.**

a. The maximum penalties for violation of City ordinances are limited by State law. At the time of this ordinance there are three different maximum fines authorized by State law depending on the type of case.

b. The fine cannot exceed two thousand dollars (\$2,000.00) if the case involves fire safety, zoning, or public health and sanitation. The fine cannot exceed four thousand dollars (\$4,000.00) if the case involves dumping of refuse.

These should include but not be limited to the following:

1. Chapter 4, sections 4-93, 4-95 and 4-96 governing firearms within the City;
2. Chapter 6 governing buildings and structures, including any violation of the International Codes as adopted therein;
3. Chapter 7, Article III, governing and regulating minimum standards for occupancy of buildings and structures, including sanitary facilities and substandard buildings;
4. Chapter 8, Section 8-50 governing the operation of concessions in parks or recreation areas;

5. Chapter 14, Article II, governing and regulating noxious odors or substances and fierce or dangerous conduct of animals.

6. Chapter 16, governing the proper collection, removal, handling, or transporting of garbage, trash, or other types of solid waste

7. Chapter 17, Article I governing and regulating the use of public right-of-ways and Article VII, governing and regulating the operation of commercial vehicles in residential areas;

8. Chapter 18 governing littering, health and sanitation, and illegal dumping of refuse;

9 Chapter 10, Unified Development Code, governing and regulating the platting, subdivision and development of land, or governing zoning;

10. Chapter 19, including:

(a) Article IV, disposal of industrial wastes,

(b) Article V, liquid waste transportation and disposal;

(c) Section 19-27 through 19-32, 19-36, 19-37, 19-39, and 19-40 which involve unauthorized tampering with the water system.

(d) Section 19-146, governing proper sanitation, garbage and sewage disposal on lake lots leased from the City;

(e) Section 19-190 discharge of weapons

(f) Section 19-233, declaring unlawful any discharge of wastewater or sewage from any vehicle, trailer, camper or house trailer within the Lake Bellwood Reservoir Area;

(g) Section 19-235, declaring unlawful any discharge of firearms within the Lake Bellwood Reservoir Area;

(h) Section 19-239, declaring unlawful the discharge of fireworks or explosives within the Lake Bellwood Reservoir.

(i) Article XI, governing illicit discharge and stormwater connection regulations. (Ord. No. 0-2010-93, 9/8/10)

c. In all other cases, the maximum fine is not more than five hundred dollars (\$500.00).

d. Each day or fractional part thereof that any violation of this Code or of any ordinance shall continue constitutes a separate offense. (Ord. No. O-98-45, 5/27/98) (Ord. No. O-2009-52, 4/22/09)

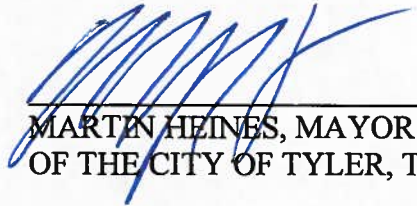
e. In some cases it may be advantageous to establish maximum fines lower than the maximum fine permitted by State law. Generally punishment should not exceed the amount required to obtain compliance with the law. The punishment exacted for first time disobedience to a law should usually be less than for a second or subsequent offense. The following offenses shall have maximum fines in accordance with the following table:

<b>Chapter</b>	<b>Section</b>	<b>Subject</b>	<b>1<sup>st</sup> &amp; 2<sup>nd</sup> Offense</b>	<b>Subsequent Offense</b>
4	90	Noise ordinance	\$200	\$500
8	5	After hours in parks	\$200	\$500
8	20	Littering in park	\$200	\$500
8	21	Noise in park	\$200	\$500
8	22	Unauthorized vehicle	\$200	\$500
8	33	Animals in park	\$200	\$500
14	10	Stray dogs	\$200	\$500
14	11	Too many dogs	\$200	\$500
14	13	Livestock in City	\$200	
14	19	Mosquito breeding	\$200	
14	22	Guard dogs	\$200	
14	30	Animal vaccination	\$200	\$500

(Ord. No. 0-2000-97, 12/20/2000) (Ord No. O-2016-1, 1/13/16)

**PART 2:** That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

**PART 3:** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, or later. The effective date of this Ordinance shall be January 15, 2016.



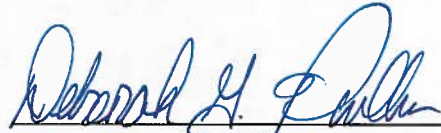
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK



DEBORAH G. PULLUM,  
CITY ATTORNEY