

**CITY OF HAWK COVE, TEXAS**

**ORDINANCE NO. 99-7**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWK COVE, TEXAS, ESTABLISHING A GENERAL PENALTY PROVISION RELATIVE TO THE VIOLATION OF A CITY RULE, ORDINANCE OR POLICE REGULATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Hawk Cove is a Type B General Law Municipality organized under the laws of the State of Texas; and

**WHEREAS**, the City of Hawk Cove has the authority, pursuant to Sections 54.001, *et seq.*, of the Texas Local Government Code, to enforce each rule, ordinance, or police regulation of the municipality and may punish a violation of a rule, ordinance or police regulation; and

**WHEREAS**, Section 54.001(b) of the Texas Local Government Code provides that a fine or penalty for the violation of a rule, ordinance or police regulation may not exceed \$500; however, a fine that governs fire safety, zoning or public health and sanitation, including dumping of refuse, may not exceed \$2000.00; and

**WHEREAS**, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to establish a general penalty provision for the violation of a City rule, ordinance, or police regulation.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAWK COVE, TEXAS, THAT;**

**SECTION 1**

That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION 2**

By and through this ordinance, a general penalty provision is hereby established, and entitled "General Penalty for Violation of Code" and shall read as follows:

### **"General Penalty for Violation of Code**

- (A) Whenever, in any ordinance of the City, an act is prohibited or is made or declared to be unlawful as an offense or a misdemeanor, or whenever in an ordinance, the doing of an act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of any such ordinance shall be punished by a fine not to exceed five hundred dollars (\$500.00), except for:
- (1) violations of municipal ordinances that govern fire safety, zoning, public health and sanitation, including the dumping of refuse, in which the maximum fine shall not exceed two thousand dollars (\$2000.00) for each offense.
  - (2) violations of traffic laws and ordinances which are punishable as Class C misdemeanors shall be punished by a fine not to exceed two hundred dollars (\$200.00), to the extent specified as such ordinance or statute.

Provided, however, that no penalty shall be greater than, or less than, the penalty provided for the same or similar offense under the laws of the State of Texas.

- (B) Each day any violation of any ordinance shall continue shall constitute a separate offense. Any violation of any provision of any ordinance which constitutes an immediate danger to the health, safety and welfare of the public may be enjoined in a suit brought by the City for such purposes.
- (C) In all violations of the ordinances of the City, the City reserves all remedies available at law and in equity.

### **SECTION 3**

If any section, subsection, clause, phrase or provision of this ordinance is for any reason held unconstitutional or void by a court of competent jurisdiction, such holding shall not effect any valid portion of this or any other ordinance of the City of Hawk Cove, Texas.

### **SECTION 4**

This ordinance shall take effect and be in full force from and after its passage, approval and adoption.

PASSED, APPROVED AND ADOPTED THIS 31st DAY OF AUGUST, 1999.

Ava Havens  
Ava Havens, Mayor

ATTEST:

Karen Parker  
City Secretary

APPROVED AS TO FORM:

Robert F. Brown, City Attorney