

ORDINANCE NO. 16-0815-2

AN ORDINANCE OF THE CITY OF NATALIA, TEXAS AMENDING CHAPTER 18 OF THE CITY'S CODE OF ORDINANCES TO AUTHORIZE CODE ENFORCEMENT AND ANIMAL CONTROL OFFICERS TO ISSUE CITATIONS FOR VIOLATIONS OF CITY ORDINANCES OCCURRING WITHIN THE CITY OF NATALIA'S MUNICIPAL COURT JURISDICTION; PROVIDING REPEALER, SEVERABILITY AND CUMULATIVE CLAUSES AND SETTING AN EFFECTIVE DATE.

WHEREAS, the city council of the city of Natalia has determined that a need exists to promote compliance of citizens and other members of the public with the city's ordinances; and

WHEREAS, the city council has determined that it is necessary to ensure violators of city ordinances are duly notified of their violations and when compliance is not obtained, that violators are properly prosecuted in municipal court; and

WHEREAS, to best meet the code enforcement needs of the city, the city council finds that the city's code enforcement officers are the most appropriate staff to perform these functions and, therefore, should be granted the authority to issue citations to ordinance violators to gain compliance with city ordinances or to appear in court to be prosecuted.

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

I.

CODE AMENDED

Chapter 18 of the Natalia Code of Articles is hereby amended to read as follows:

Article I. Code Enforcement – Authority to Issue Citations

Sec. 18-1 Definitions

Citation means an article violation notice and notice to appear before the Natalia Municipal Court, as provided for in this article.

City means the City of Natalia, an incorporated municipality located in Medina County, Texas

Person means any individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind.

Sec. 18-2. Administration

(a) *Relation to related laws.* A citation issued pursuant to this article does not refer or relate to the issuance of a citation by a peace officer pursuant to V.T.C.A., Code of Criminal Procedure, Art. 14.06(d) or V.T.C.A., Transportation Code § 543.003.

(b) *Authority to issue citations.* A citation under this article may be issued by any of the following individuals:

- (1) Code Enforcement Officers;

(2) Animal Control Officers;

(3) Peace Officers commissioned by the City of Natalia's Police Department

(c) *Form and content of citation.* A citation issued under this section must be in a form approved by the municipal court clerk that includes the following information, if available:

(1) The name, address, date of birth, or driver's license number and physical description, and telephone number of the person cited;

(2) The article, section of article, if applicable and nature of offense for which the person is charged;

(3) The date and location of the offense;

(4) An appearance date;

(5) A statement requiring the person receiving the citation to appear at municipal court on or before the appearance date indicated on the citation;

(6) A statement of the person's promise to respond to the citation by the appearance date indicated on the citation, including a place for the person cited to provide the person's signature; and

(7) The signature of the person issuing the citation

(8) A statement that the person did not sign the citation or refused to sign the citation

Sec. 18-3 Related Offenses and Penalties

(a) *Violation of promise to appear.* A person issued a citation, as authorized by this article, commits an offense if the person signs a promise to appear on the citation that is issued and fails to appear on or before the appearance date indicated on the citation.

(b) *Interference or obstruction of issuance.* A person commits an offense if the person interferes with or obstructs the issuance of a citation under this article.

(c) *Providing false or fictitious name.* A person commits an offense if the person gives a false or fictitious name, address, or other information to an individual authorized to issue a citation under this article.

(d) *Penalty.* Each violation under this section is a misdemeanor offense punishable upon conviction by a fine not to exceed \$500.00 per offense. Each day the offense continues shall constitute a separate offense.

IV.

SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this article are severable, and if any phrase, clause sentence, paragraph or section of this article shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article, since the same

would have been enacted by the City Council without the incorporation in this article of any such unconstitutional phrase, clause, sentence, paragraph or section.

V.

CUMULATIVE AND REPEALER

This Article shall be cumulative of all provisions of ordinances as well as chapters and articles of the City of Natalia Code of Ordinances, except where the provisions are in direct conflict with the provisions of such articles, in which event the conflicting provisions are hereby repealed.

VI.

EFFECTIVE DATE

This Article shall become adopted and effective after the date of publication in a newspaper as provided by the State law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

Sam Smith, Mayor Pro-Tem

ATTEST:

Lisa Hernandez, City Administrator