

ORDINANCE NO. CO47.18.09.13.E2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CEDAR PARK CODE OF ORDINANCES TO ADD CHAPTER 1 GENERAL ADMINISTRATION, ARTICLE 1.01 CODE OF ORDINANCES, SECTION 1.01.011 CULPABLE MENTAL STATES FOR ORDINANCE VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Texas Local Government Code Section 51.001 provides that the City Council may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace or order of the municipality; and

WHEREAS, Texas Local Government Code Section 54.001 provides that the City Council may enforce each rule, ordinance, or police regulation of the municipality by providing for a fine not to exceed \$500, or not to exceed \$2,000 in the case of a regulation governing fire safety, zoning, or public health and sanitation; and

WHEREAS, Texas Penal Code Section 6.02 requires that the definition of a strict liability offense plainly dispense with any required culpable mental state, and that any offense punishable by a fine exceeding \$500 requires proof of intent, knowledge, or recklessness.

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

SECTION 1. Section 1.01.011 of the Cedar Park Code of Ordinances is hereby adopted as reflected in the attached Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

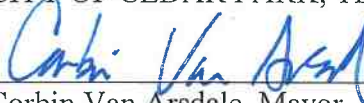
SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 5. This Ordinance shall be and remain in full force and effect from and after the date of approval.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 23rd day of August 2018, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED, AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 13th day of September, 2018, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS


Corbin Van Arsdale, Mayor

ATTEST:



LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:


J.P. LeCompte, City Attorney



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EXHIBIT A

CHAPTER 1 GENERAL ADMINISTRATION

ARTICLE 1.01 CODE OF ORDINANCES

Sec. 1.01.011 Culpable mental states for ordinance violations

(a) Unless otherwise specifically stated within the provisions of this Code, any violation of this Code that is punishable by a fine that does not exceed \$500 does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such offense.

(b) Unless otherwise specifically stated within the provisions of this Code, any violation of this Code that is punishable by a fine that exceeds \$500 shall require a culpable mental state of intent, knowledge, or recklessness.

