

CITY OF DRIPPING SPRINGS

ORDINANCE NO. 2018-16

AUTHORITY TO ISSUE CITATIONS

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 3.006 OF THE DRIPPING SPRINGS CODE OF ORDINANCES TO EMPOWER THE CODE ENFORCEMENT AND CONSTRUCTION INSPECTOR TO ISSUE CITATIONS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND A MEETING.

WHEREAS, the City of Dripping Springs (“City Council”) seeks to promote the public health, safety, morals and general welfare within the city, and within its extraterritorial jurisdiction, as prescribed by state law, through the enforcement of the city's ordinances and the efficient disposition of cases arising from such ordinances; and

WHEREAS, the City Council has established a municipal court for the efficient disposition of cases arising from the city's ordinances; and

WHEREAS, the City Council has provided for the issuance of citations alleging criminal violations within the jurisdiction of the municipal court; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council has adopted a building code ordinance to promote the public health, safety, morals and general welfare within the city through the regulation of certain construction activities; and

WHEREAS, the city's Code Enforcement Officer is empowered by the Texas Code of Criminal Procedure Article 18.05 to obtain a warrant to inspect any specified premises to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance; and

WHEREAS, the City Council finds it desirable that the Code Enforcement Officer have the power to issue citations for violations of the building ordinance; and

WHEREAS, the City Council finds that the amendments imposed by this Ordinance are characterized as reasonable, necessary, and proper for the good government of the City.

NOW, THEREFORE, BE IT ORDAINED by the Dripping Springs City Council:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 12, Article 3.006 of the City of Dripping Springs Code of Ordinances is hereby amended so to read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment A*.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

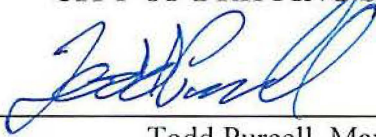
This Ordinance shall be effective immediately upon passage and publication of caption.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

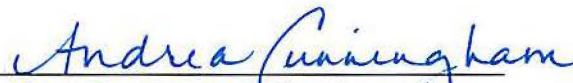
PASSED & APPROVED this, the 14th day of August 2018, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:



Todd Purcell, Mayor

ATTEST:



Andrea Cunningham, City Secretary



City of Dripping Springs

CODE OF ORDINANCES

CHAPTER 12: LAW ENFORCEMENT AND COURT

ARTICLE 12.03 CRIMINAL ENFORCEMENT

Sec. 12.03.006

Pursuant to this article, and the scope of their assigned duties, a citation may be issued to a person by any of the following individuals so designated by the city council:

- (1) Environmental health inspector.
- (2) City inspector.
- (3) OSSF inspector.
- (4) ~~Planning director.~~ Code Enforcement and Construction Inspector
- (5) Building official.