

**ORDINANCE NO. 2018-13**

**AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 1 ("GENERAL PROVISIONS") OF THE BURNET CODE OF ORDINANCES, CITY OF BURNET, TEXAS, BY REPLACING SECTION 1-6 GENERAL PENALTY FOR VIOLATIONS OF CODE IN ITS ENTIRETY AND DELETING SECTION 1-11 CULPABLE MENTAL STATE NOT REQUIRED IN ITS ENTIRETY, PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; PROVIDING PENALTIES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City Council of the City of Burnet hereby finds and determines it necessary to amend and replace Section 1-6 General Penalty for Violations of Code, in its entirety;

**WHEREAS**, the City Council of the City of Burnet hereby finds and determines it necessary to delete Section 1-11 Culpable Mental State Not Required, in its entirety;

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

**Section 1.** The City's Code of Ordinances Chapter 1 ("General Provisions"), Section 1-6 General Provisions for Violations of Code shall be amended in its entirety as follows:

"Sec. 1-6. General penalty for violations of Code.

- (a) Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or 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 this Code or any such ordinance shall be punished by a fine of not less than one dollar and not more than \$500.00 except:
  - (1) A fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, may not exceed \$2,000; and
  - (2) A fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed \$4,000.
- (b) However, no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.
- (c) The city may bring a civil action, as necessary, to enjoin any threatened violation of this Code for the protection of public health and safety.
- (d) Unless otherwise specifically set forth in the Code of Ordinance of the city, or in state law as adopted, allegations and evidence of culpable mental state are not required for proof of an offense for which the maximum fine is \$500.00 or less."

**Section 2.** The City's Code of Ordinances Chapter 1 ("General Provisions"), Section 1-11 Culpable Mental State Not Required shall be deleted in its entirety.

**Section 3. Repeal of Conflicting Ordinances.** All Ordinances or parts thereof in conflict herewith are amended to the extent of such conflict only.

**Section 4. Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

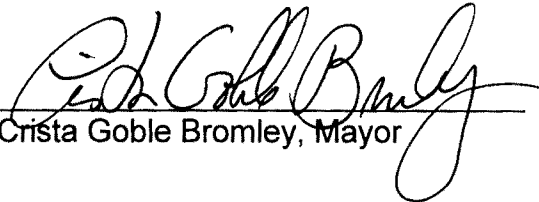
**Section 5. Open Meetings.** That it is hereby officially found and determined that the meetings at which this ordinance were passed were open to the public as required and that public notice of the time, place, and purpose of said meetings was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

**Section 6. Effective Date.** This ordinance shall take effect upon passage on second reading and publication as required by the Local Government Code and City Charter.

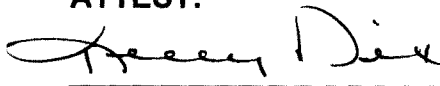
**PASSED AND APPROVED** on First Reading this 24<sup>th</sup> day of July, 2018.

**FINALLY PASSED AND APPROVED** on this the 14<sup>th</sup> day of August, 2018.

**CITY OF BURNET, TEXAS**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary

