

Ordinance No. 14-018

AN ORDINANCE OF THE CITY OF MARLIN, TEXAS AMENDING CHAPTER 1 GENERAL PROVISIONS OF THE CODE OF ORDINANCES BY ADDING SECTION 1-12.1 PROVIDING HOW ACTIONS FOR VIOLATING PROVISIONS OF THE CITY CODE MAY BE INITIATED, REPEALING ANY OTHER ORDINANCE IN CONFLICT, PROVIDING FOR CODIFICATION AND PROVIDING FOR PUBLICATION.

WHEREAS, The governing body of a municipality may adopt such rules and regulations, not inconsistent with any law of this state, concerning the practice and procedure in the municipal court as the governing body may consider proper, and

WHEREAS, The City Council of the City of Marlin finds and determines that the following procedures are proper and should be instituted.

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

Sec. 1. Enforcement of this Code.

- a) Actions for violating provisions within this Code may be initiated by issuance of a citation requiring that the person cited appear before the municipal court on or before a specified time on a specified date or within a specified number of days, issuance of a summons requiring that the person named appear before the municipal court at a specified time on a specified date, or arrest of the person with or without an arrest warrant as permitted by state law. A citation may be issued by a police officer, personnel assigned to the fire marshal's office and other fire department personnel designated by the fire chief to enforce fire codes and fire prevention provisions, persons employed by the city and designated as inspectors or environmental enforcement officers, or a park ranger.

Nothing herein shall be deemed to conflict with any provision of this Code, City Ordinance, state law, or state regulation that provides for or allows alternative means of enforcement, including but not limited to: abatement, liens, penalties, injunctive relief or other relief. This Section shall not limit the City's right to pursue other means of enforcement or in any way diminish the power of the City to pursue any relief provided for in this Code, City Ordinance, state law, or state regulations.

- (b) A person issued a citation requiring an appearance before the municipal court on or before a specified time on a specified date or within a specified number of days commits an offense under this Code if he intentionally or knowingly fails to

appear within that period. However, it shall be an affirmative defense to prosecution under this section if that person had a reasonable excuse for his failure to appear.

- (c) Where a person is issued a summons requiring an appearance before the municipal court at a specific time on a specific date and he does not appear, such person may be found in contempt of the court as provided for under state law.
- (d) A culpable mental state is not required for the commission of an offense under this Code of Ordinances, unless the provisions defining the conduct expressly require a culpable mental state.

Sec. 2. Codification

It is the intention of the city council, and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of the City of Marlin, Texas, and the sections of this ordinance may be renumbered to accomplish such intention.

Sec. 3 Publication.

The City Secretary shall publish caption of said ordinance in local newspaper upon final passage of ordinance.

FIRST READING PASSED this 10th day of June, 2014 by a vote of 5 AYES to 0 NAYS with 2 Absentions.



Elizabeth Nelson

Elizabeth Nelson, Mayor

Sandra Herring

Sandra Herring, City Secretary

SECOND READING PASSED this 8th day of July, 2014 by a vote of 5 AYES to 0 NAYS with 2 Absentions.



Elizabeth Nelson

Elizabeth Nelson, Mayor

Sandra Herring

Sandra Herring, City Secretary