

**Sec. 1-4. - General penalty; continuing violations.**

Whenever in this Code or in any ordinance of the city an act or a failure to act is prohibited or is made or declared to be unlawful, an offense, or a misdemeanor, ~~or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is unlawful~~, and no specific penalty is provided therefor, the violation of any such provision shall be punished by a maximum fine as follows:

(a) Two thousand dollars (\$2,000.00) for violations of all such provisions that govern fire safety, zoning or public health and sanitation other than vegetation and litter violations;  
~~and~~

(1) If it is shown on the trial of an offense under the Zoning Ordinance that the person had previously been convicted of the same offense within the forty-eight (48) months prior to the offense date for which the person is currently on trial, the fine shall not be less than five hundred dollars(\$500.00) or exceed two thousand dollars (\$2,000.00);

(2) if it is shown on the trial of an offense under the Zoning Ordinance that the person has previously been convicted of a violation of the same offense twice or more within the forty-eight (48) months prior to the offense date for which the person is currently on trial, the fine shall not be less than one thousand dollars (\$1,000.00) or exceed two thousand dollars (\$2,000.00);

(b) Five hundred dollars (\$500.00) for all other violations.

(c) ~~Unless specifically stated within the provision of this Code, any violation of this Code or any ordinance set forth herein that is punishable by a fine that does not exceed the amount authorized by section 12.23 of the Texas Penal Code does not require a culpable mental state and a culpable mental state is hereby expressly waived; however,~~  
~~a~~Any violation of this Code or any ordinance set forth herein that is punishable by a fine that exceeds the amount authorized by Texas Penal Code section 12.23 ~~of the Texas Penal Code, as the same may be amended from time to time,~~ shall require a culpable mental state of ~~criminal negligence~~ reckless unless a higher culpable mental state has been provided by ordinance.

Each day a violation for this Code or any ordinance under either (a) or (b) above continues shall constitute a separate offense.