

An Ordinance of the City of Plano, Texas, amending Chapter 1, Sec. 1-4 General penalty; continuing violations; providing a repealer clause, a severability clause, a savings clause, a publication clause and an effective date.

WHEREAS, the City Council of the City of Plano has previously enacted regulations regarding establishing maximum penalties for specified conduct, which regulations are now codified in Chapter 1, Section 1-4 of the Code of Ordinances of the City of Plano; and

WHEREAS, staff recommend changes to Chapter 1, Sec. 1-4 General penalty; continuing violations, of the Code of Ordinances of the City of Plano; and

WHEREAS, after consideration of the recommendations of staff and all matters attendant and related thereto, the City Council is of the opinion that it is in the best interest of the City and its citizens and to promote health, safety and welfare of the citizens of Plano and the general public to amend Chapter 1, Sec. 1-4 General penalty; continuing violations, as set forth herein.

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

Section I. Section 1-4 General penalty; continuing violations, of Chapter 1 of the City of Plano Code of Ordinances is hereby amended in its entirety to read as follows:

“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, 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;
 - (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) 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 shall require a

culpable mental state of 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.”

Section II. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section III. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section V. This ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the 24th day of August, 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY