

ORDINANCE NO. 2130

AN ORDINANCE OF THE CITY OF ALAMO HEIGHTS, TEXAS, AMENDING CHAPTER 10, MISCELLANEOUS PROVISIONS AND OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF ALAMO HEIGHTS, TEXAS, BY ADDING SECTION 10-10, "ENFORCEMENT OF CODE"; AUTHORIZING THE CITY MANAGER TO DESIGNATE CITY EMPLOYEES WITH AUTHORITY TO ENFORCE CONSTRUCTION, ZONING, NUISANCE, STORM WATER, PUBLIC HEALTH AND ANIMAL ORDINANCES AND LAWS BY ISSUING CITATIONS IN MUNICIPAL COURT; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Alamo Heights, Texas (the "City") seeks to promote the public health, safety, morals and general welfare of the municipality and the safe, orderly, and healthful development of the City; and

WHEREAS, the City Council finds that state law does not provide rules and regulations relating to issuance of citations in criminal cases stemming from local ordinances by non-peace officers; and

WHEREAS, Article V., Section 4 F. 3. of the City Charter provides that the City Manager shall see that all state laws and city ordinances are effectively enforced; and

WHEREAS, the City Manager desires to designate certain city employees with authority to enforce state laws and city ordinances, including Building Officials, Development Service Officers, Code Enforcement Officers, Storm Water Inspectors, Public Health Officials and Animal Control Officers, by authorizing such employees to issue citations in Municipal Court for violations of such laws and ordinances; and

WHEREAS, pursuant to Texas Local Government 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;

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

SECTION 1. Findings. The foregoing recitals are hereby found to be true and correct and are adopted by the City Council and made a part hereof for all purposes as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this Ordinance are reasonable and necessary to protect the public health, safety and quality of life.

SECTION 2. Amendment. That Chapter 10, “**Miscellaneous Provisions and Offenses**” of the Code of Ordinances of the City of Alamo Heights is hereby amended by adding Section 10-10, “**Enforcement of Code,**” which shall read as follows:

Sec. 10-10 - ENFORCEMENT OF CODE

(A) Applicability. This Section does not apply to licensed peace officers who are employed by the city as peace officers. The authority, responsibility and duties of peace officers to issue citations, pursuant to Article 14.06(d) of the Code of Criminal Procedure, and/or Section 543.003 of the Transportation Code, is not obviated or in any way eliminated by the provisions of this section.

(B) City Manager Designation. The City Manager is hereby authorized to designate city employees with authority to enforce state laws and city ordinances by issuing citations in Municipal Court for violations of state laws and city ordinances, including specifically, but not limited to, Building Officials, Development Service Officers, Code Enforcement Officers, Storm Water Inspectors, Public Health Officials and Animal Control Officers.

(C) Authority to issue citations to appear in municipal court. The employees designated by the City Manager may issue a citation or citations to a person requiring such person to appear in the municipal court if the designated city employee believes that the person has engaged in conduct that violates any law or ordinance of the city.

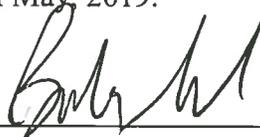
SECTION 3. Repealer. All provisions of the Ordinances of the City of Alamo Heights, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Alamo Heights, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 4. Severability. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section 5. Effective Date. This ordinance shall be effective from and after its approval and passage in accordance with the Texas Local Government Code and the city charter.

Section 6. Open Meetings. That is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Gov't. Code.

PASSED AND APPROVED this 28th day of May, 2019.



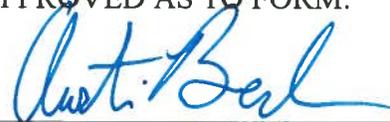
MAYOR

ATTEST:



CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY