

**THE CITY OF LOG CABIN
ORDINANCE 134
PENALTY CLAUSE OF CITY ORDINANCES**

AN ORDINANCE OF THE CITY OF LOG CABIN, HENDERSON COUNTY, TEXAS TO REPEAL THE PENALTY CLAUSE'S DOLLAR AMOUNTS OF FINES OF ALL PREVIOUSLY ORDAINED AND ENACTED ORDINANCES OF THE CITY OF LOG CABIN; AND TO PROVIDE FOR THE INCREASES OF PENALTY CLAUSE DOLLAR AMOUNTS OF FINES THAT HAVE BEEN ESTABLISHED AND ENACTED BY THE STATE OF TEXAS.

WHEREAS, the State of Texas periodically changes the dollar amounts of fines for civil and criminal penalties and these changes impact the "penalty clause" contained in the City of Log Cabin's previously ordained and enacted City Ordinances. To preclude the City of Log Cabin having to rewrite or amend each ordinance's penalty clause, the City of Log Cabin has found and determined that it is in the City's best interest to repeal all City of Log Cabin's ordinance's penalty clauses in conflict with current penalties as established and enacted by the State of Texas; therefore all ordinance provisions relating to dollar amount of fines for civil and criminal penalties are hereby repealed and all other provisions in the ordinances of the City of Log Cabin not in conflict with the provisions with the provisions of this Ordinance shall remain in full force and effect.

WHEREAS, the City of Log Cabin has found and determined that all future ordinances ordained and enacted by the City containing a penalty clause relating to dollar amounts of fines for civil and criminal penalties shall hereafter reflect the then current penalty provisions as established and enacted by the State of Texas.

NOW, THEREFORE: BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOG CABIN, TEXAS:

ITEM 1: Findings Incorporated. The findings set forth above are incorporated into the body of the Ordinance as if fully set forth herein.

ITEM 2: Definitions. For purposes of this Ordinance, the following definition /s shall apply unless the context clearly indicates or requires a different meaning:

"Penalty Clause" is that section of the ordinance which fixes the penalty for violating the ordinance.

"Dollar Amount" is the monetary amount that state law imposes for the type of offense each day the ordinance is violated.

"City" means The City of Log Cabin, Henderson County, Texas.

ITEM 3: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

ITEM 4: Penalty. Any person, corporation, business entity, or association violating any provision of this Ordinance shall be deemed guilty of an offense, and upon conviction shall be punished by a fine not to exceed the penalty provisions as established and enacted by the State of Texas. The violation thereof shall be deemed a separate offense, and shall be punished accordingly. Provided, however, compliance may be further sought through injunctive relief in the District Court.

ITEM 5: Severability: Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Log Cabin, Texas hereby declares that it would have passed this Ordinance, and each section, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.


PASSED AND APPROVED this 19 day of April, 2018.

PASSED AND ADOPTED BY THE CITY COUNCIL OF LOG CABIN ON THIS
THE 19 OF APRIL, 2018.



Larry P. Nolan
Mayor, City of Log Cabin, Texas

ATTEST:



Belynda Figueriedo
Secretary, City of Log Cabin, Texas