

Section I. Conflicts

All ordinances or parts of the Ordinances of the City of Old River-Winfree, Texas not consistent with or in conflict with provisions of the ordinance are hereby repealed.

Section II. Adopting Chapter 342 of the Texas Health and Safety Code

The City of Old River-Winfree, Texas clearly understands the technical criteria, legal requirements, and administrative procedures and duties associated with regulating the abatement of public nuisances and sanitation and hereby does adopt and willfully enforce Chapter 342 of the Texas Health and Safety Code and all rules and regulations duly adopted or promulgated thereunder.

Section III. Area of Jurisdiction

These rules shall apply to the incorporated city limits of the City of Old River-Winfree.

Section IV. Duties and Powers

The City of Old River-Winfree, Texas herewith shall appoint a designated representative for the enforcement of these rules within its jurisdictional area. The appointed individual(s) must be approved by the City Council of the City of Old River-Winfree. The City of Old River-Winfree may substitute another or additional person(s) as it may deem necessary.

Section V. Collection of Fees

All fees collected for any inspections or permits shall be made payable to the City of Old River-Winfree.

Section VI. Appeals

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the City Council of the City of Old River-Winfree.

Section VII. Criminal Penalties

- (a) A person commits an offense if:
 - 1) the person violates any section of Chapter 342 of the Texas Health and Safety Code; or Sections of this ordinance; and
 - 2) the violation remains unabated after the 30th day after the date on which the person receives notice from the designated representative, City Official, or agent to abate the violation.
- (b) An offense under this Section is a misdemeanor, punishable by a fine of not less than \$50.00 or more than \$200.00.

- (c) If it is shown on the trial of the defendant that the defendant has been previously convicted of an offense under this ordinance, the defendant is punishable by fine of not less than \$200.00 or more than \$1,000.00.
- (d) Each day the violation occurs is a separate offense.
- (e) The Court shall order the abatement of the violation if the defendant is convicted of an offense under this Section.

Section VIII. Severability

It is hereby declared to be the intention of the City Council of the City of Old River-Winfree, Texas that the phrases, clauses, sentences, paragraphs, and sections for this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by City Council without incorporation in this ordinance of such unconstitutional phrases, clauses, sentences, paragraphs, or section.


Section IX. Effective Date

This Ordinance shall be in full force and effect from and after its date of approval and proper notices given as required by law.

AND SO IT IS ORDERED.

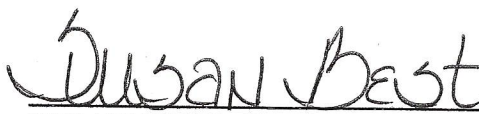
Passed and approved this 14th day of August, 2000, by the City Council of the City of Old River-Winfree upon Motion Made by Gay Young, and seconded by Marsha Ickes, and passed; 4 ayes and 0 nays.

APPROVED:



JOE LANDRY, Mayor

ATTEST:



SUSAN BEST, City Secretary